

Cover-ups and Retribution

Inevitably, information began to seep out exposing the many falsehoods and deceptions concerning the Iraq war. The release of this information – including information detailing the Niger-Iraq uranium forgeries – led members of the Bush Administration to react with a series of leaks and other actions designed to coverup their misdeeds and obtain retribution against their critics. In addition, the Bush Administration began disseminating even more falsehoods, in an apparent further effort to obscure its initial misstatements.

The Niger Forgeries and the “Sliming” of Ambassador Wilson and his Family

The most well-known example of the Bush Administration's efforts to cover up its misdeeds and exact revenge against its critics is its response to Ambassador Joseph Wilson's statements regarding the forged Niger uranium documents. Ambassador Wilson's exposures – that not only were the Niger-Iraq uranium documents forgeries, but also that the Bush Administration had been forewarned of this fact – threatened to bring down the entire house of cards of pre-war deceptions.

Beginning in the Summer of 2003, with the public disclosures concerning the Niger forgeries and the Bush Administration's apparent foreknowledge of them, members of the Administration initiated a concerted campaign to coverup their own misdeeds and taint Ambassador Wilson. The record reflects that (i) members of the Bush Administration were highly concerned about the disclosures to the point of obsession and, as a result, obtained classified information regarding Ambassador Wilson and his wife that they leaked to the press, in apparent violation of administrative requirements and non-disclosure agreements (if not criminal laws); (ii) the leak was not only in apparent retribution against the Wilsons, but also was damaging to national security; and (iii) the investigation into the leak was delayed by members of the Bush Administration, beset by conflicts of interest, and accompanied by numerous misstatements and falsehoods.⁶⁷⁵ The leak story culminated in the federal criminal indictment, issued by Special Counsel Patrick Fitzgerald, of I. Lewis (“Scooter”) Libby, Vice President Cheney's Chief of Staff (the “Libby Indictment”).⁶⁷⁶

“It's slime and defend . . .”

-----October 2, 2003,
Republican aide on Capitol Hill, describing the White House's effort to raise questions about Mr. Wilson's motivations and its simultaneous effort to shore up support in the Republican ranks.⁶⁷⁴

Disclosure and Panic

According to the Libby Indictment, numerous media stories and inquiries into the Administration's use of faulty intelligence led to this consternation in the White



House. Articles were published in *The New York Times*,⁶⁷⁷ *The Washington Post*,⁶⁷⁸ and *The New Republic*,⁶⁷⁹ among others.⁶⁸⁰

Clearly, this media onslaught – aimed directly at one of the Bush Administration’s principal rationales for the war and challenging its veracity – caused considerable turmoil in the White House. For example, after he finished a discussion on this issue with Matthew Cooper on July 11, 2003, Karl Rove expressed alarm over the damage this line of inquiry could cause the President, writing in an e-mail to Deputy Security Advisor Stephen Hadley: “When [Cooper] finished his brief heads-up he immediately launched into Niger. . . . Isn’t this damaging? Hasn’t president been hurt? I didn’t take the bait, but I said if I were him I wouldn’t get *Time* far out on this.”⁶⁸¹

According to White House sources, Libby became enraged over Wilson’s disclosures to the point of obsession. *The Los Angeles Times* wrote, “Vice President Dick Cheney’s chief of staff was so angry about the public statements of former ambassador Joseph C. Wilson IV, a Bush administration critic married to an undercover CIA officer, that he monitored all of Wilson’s television appearances and urged the White House to mount an aggressive public campaign against him, former aides say.”⁶⁸² *The Los Angeles Times* went on to say that “[t]he intensity with which Libby reacted to Wilson had many senior White House staffers puzzled, and few agreed with his counterattack plan or its rationale, former aides said.”⁶⁸³



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Instead of responding to these charges in an above board and factual manner, officials in the Bush Administration chose to cover up their earlier deceptions by using their positions of authority to obtain classified information to undermine and attack Ambassador Wilson and his wife. According to the Libby Indictment and other sources, this was done in apparent violation of relevant administrative requirements, non-disclosure agreements, and potentially the criminal laws.

The Libby Indictment makes clear that Mr. Libby obtained classified information about Ambassador Wilson’s trip, and his wife, from at least six sources within the government, including Vice President Cheney himself. This began on May 29, 2003, when Libby sought information concerning Wilson’s travel from an under secretary of state, which he received via oral reports and fax over the course of the next two weeks.⁶⁸⁴ (The under secretary is reported to be John Bolton, who is now the U.S. Ambassador to the United Nations.⁶⁸⁵) On June 11, 2003, Libby also sought and received similar information from a CIA officer.⁶⁸⁶ The next day, Libby learned from Vice President Cheney that Wilson’s wife worked at the CIA’s Counterproliferation Division,⁶⁸⁷ which is part of the CIA’s secret Clandestine Service.⁶⁸⁸ Libby further broached the topic of Wilson’s wife on June 14, 2003 with a CIA briefer.⁶⁸⁹ Next, on July 8, 2003, Libby asked the Vice President’s counsel, David

Addington, about CIA paperwork requirements for trips by spouses of CIA employees.⁶⁹⁰ Finally, at some point before July 8, 2003, Libby obtained additional information about Wilson's wife from the Assistant to the Vice President for Public Affairs.⁶⁹¹

Significantly, Libby was not the only individual in the White House soliciting or receiving information about Ambassador Wilson's wife in the wake of the disclosures about possible Bush Administration wrongdoing and misstatements. The record indicates that numerous additional officials, including Vice President Cheney,⁶⁹² Secretary of State Powell,⁶⁹³ and Political Director Rove,⁶⁹⁴ were also obtaining access to classified information concerning Wilson's wife.

Once these various high-ranking Administration officials obtained this information that they believed would help with damage control on the embarrassing Niger disclosures, it was widely shared with others in the Administration as well as the press. For example, Mr. Libby shared the classified information with his principal deputy;⁶⁹⁵ with Karl Rove;⁶⁹⁶ and with then-White House Press Secretary Ari Fleischer.⁶⁹⁷ Classified information concerning Ambassador Wilson's trip and his wife's employment at the CIA was also widely shared on Air Force One on June 10, 2003,⁶⁹⁸ and on Air Force Two on July 12, 2003.⁶⁹⁹

Even more significantly, although Mr. Libby and the other members of the Administration had to know the information was classified (the Libby indictment includes numerous references that make it clear that Valerie Plame's employment at the CIA is classified),⁷⁰⁰ they nevertheless widely shared this damaging information with the press. Thus, for example, before Novak's column ran, at least four Administration officials (Mr. Libby, Mr. Rove, and two still as of yet unknown Administration officials) called at least five Washington journalists (Ms. Miller, Mr. Novak, Mr. Cooper, Mr. Pincus, and Mr. Woodward) and disclosed the identity and occupation of Wilson's wife. The Libby Indictment and related accounts describes in greater detail the White House effort to stem questions surrounding the forged Niger documents by disclosing classified information to the media:



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- “On or about June 23, 2003, Libby met with *New York Times* reporter Judith Miller. . . . In discussing the CIA’s handling of Wilson’s trip to Niger, Libby informed her that Wilson’s wife might work at a bureau of the CIA.”⁷⁰²
- On July 8, Libby discussed with Miller Wilson’s trip and criticized the CIA reporting concerning Wilson’s trip. During this discussion, Libby advised Miller of his belief that Wilson’s wife worked for the CIA.⁷⁰³
- On or about July 10 or 11, the indictment states that Karl Rove was one of the sources who had confirmed to Robert Novak that Ambassador Wilson’s wife worked for the CIA: “On or about July 10 or July 11, 2003, Libby spoke to a senior official in the White House (“Official A”) who advised Libby of a conversation Official A [subsequently identified as Karl Rove] had earlier that week with columnist Robert Novak in which Wilson’s wife was discussed as a CIA employee involved in Wilson’s trip. Libby was advised by Official A that Novak would be writing a story about Wilson’s wife.”⁷⁰⁴
- On July 11, in the morning, Karl Rove had a short conversation with *Time* magazine reporter Matthew Cooper. Rove told Cooper that Wilson’s wife worked for the CIA and had a hand in sending him to Niger.⁷⁰⁵
- On July 12, in the afternoon, Libby spoke by telephone to Matthew Cooper, who asked whether Libby had heard that Wilson’s wife was involved in sending Wilson on the trip to Niger. Libby confirmed to Cooper, without elaboration or qualification, that he had heard this information too.⁷⁰⁶
- “On or about July 12, 2003, in the late afternoon, Libby spoke by telephone with Judith Miller of the *New York Times* and discussed Wilson’s wife and that she worked at the CIA.”⁷⁰⁷
- On July 12, according to press reports, an administration official who has not been identified returned a call from Walter Pincus of *The Washington Post*. The official “veered off the precise matter we were discussing and told me . . . [Ambassador Wilson’s trip] was a boondoggle set up by his wife,” Pincus has written.⁷⁰⁸

Contrary to the arguments of many in the Bush Administration, these disclosures to the media do not appear to have been inadvertent or merely confirming in nature. For instance, in reference to the two senior Administration officials who

provided him with Valerie Plame Wilson's status as a covert operative, **Bob Novak** later admitted **"I didn't dig it out, it was given to me. . . . They thought it was significant, they gave me the name and I used it."**⁷⁰⁹ Mr. Novak also stated on December 14, 2005, that he would be "amazed" if the president didn't know the source's identity and that the public should "bug the president as to whether he should reveal who the source is."⁷¹⁰ Also, as noted above, another administration official actually "veered" at the subject at hand to bring up Ambassador Wilson's trip and complain that it "was a boondoggle set up by Wilson's wife."⁷¹¹ A senior source in the Administration also acknowledged that officials brought up Plame as part of their broader case against Wilson. **"It was unsolicited," the source said. 'They were pushing back. They used everything they had.'**"⁷¹²

Retribution and Damage

There is also significant evidence that, in addition to leaking this classified information to deflect criticism from the President and Vice-President for their false



uranium and other nuclear claims, the Bush Administration was motivated by revenge and retribution. First, we have the stunning admission, by a **Republican congressional aide, that the White House strategy with respect to Ambassador Wilson's charges was to "slime and defend."**⁷¹³

We also have the statement by the host of MSNBC's *Hardball*, Chris Matthews: **"I just got off the phone with Karl Rove who said your wife is fair game."**⁷¹⁴ We also have the statement by a senior Bush Administration official that **"[the leak] was meant purely and simply for revenge."**⁷¹⁵ Asked about the motive

for describing the leaks, the senior official said the leaks were "wrong and a huge miscalculation, because they were irrelevant and did nothing to diminish Wilson's credibility."⁷¹⁶

There are numerous additional sources who have indicated that revenge was a motivating factor behind the series of leaks. Vince Cannistraro, a former Chief of Operations and Analysis for the CIA's Counterterrorism Center, noted the retaliatory nature of the leak: **"[Administration officials] were trying to not only undermine and trash Ambassador Wilson, but to demonstrate their contempt for CIA by bringing Valerie's name into it. Wasn't germane to their argument, but they brought it in there deliberately, vindictively in, in my judgment, a dirty trick."**⁷¹⁷



Echoing this belief, former CIA Case Officer Jim Marcinkowski noted, “[T]he interest being advanced by this disclosure was certainly not national security.”⁷¹⁸

The Los Angeles Times reported that the “intensity with which Libby reacted to Wilson had many senior White House staffers puzzled, and few agreed with his counterattack plan, or its rationale.”⁷¹⁹ An ex-Administration official said “this might have been about politics on some level, but it is also personal. [Libby] feels that his honor has been questioned, and his instinct is to strike back.”⁷²⁰

These leaks of classified information by Bush Administration officials have damaged national security.⁷²¹ At his press conference on October 28, 2005, Fitzgerald stated that the leaks were “a serious breach of the public trust,” and he said the disclosure of Ms. Wilson’s status were a set-back to the Central Intelligence Agency and its employees, at minimum as a deterrent to the recruiting of new officers.⁷²² Numerous ex-CIA agents also have confirmed the damaging nature of these politically motivated disclosures. For example, Arthur Brown, who retired in February as the CIA’s Asian Division chief and is now a senior vice president at the consultancy firm Control Risks Group, declared that “[c]over and tradecraft are the only forms of protection one has and to have that stripped away because of political scheming is the moral equivalent to exposing forward deployed military units.”⁷²³

Many Republicans tried to minimize the damage by challenging Mrs. Wilson’s status as a covert agent.⁷²⁴ For example, on July 17, House Republican Whip Roy Blunt (R-MO) read from the Republican talking points and stated, “[Y]ou know, this was a job that the ambassador’s wife had that she went to every day. It was a desk job. I think many people in Washington understood that her employment was at the CIA, and she went to that office every day.”⁷²⁵

However, many former CIA agents were critical of Republican efforts to dismiss Ms. Plame’s job as a non-covert desk job. Larry Johnson, a former CIA analyst, and ten other former intelligence officers wrote to congressional leaders calling the disclosure of her name a “shameful event in American history.”⁷²⁶ Citing statements by Republican allies, they stated: “[I]ntelligence officers should not be used as political footballs. In the case of Valerie Plame, she still works for the CIA and is not in a position to publicly defend her reputation and honor.”⁷²⁷ At a Democratic hearing on the leak, former intelligence officers reiterated their plea that Republicans cease their attacks on Mrs. Wilson.⁷²⁸



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Delays, Conflicts, and More Lies

Once it became clear that someone in the Bush Administration had leaked classified information for political gain, rather than move quickly to identify and dismiss and, if necessary, prosecute the responsible parties – as had been initially promised – the Administration did the opposite. The record shows that members of the Bush Administration delayed and encumbered the investigation and engaged in even more lies and misstatements. In fact, from the very outset, the Bush Administration's handling of the leak has been rife with political and procedural irregularities.

The Department of Justice caused serious delays to the investigation by failing to pursue the allegations and by failing to obtain waivers from White House personnel in a timely manner. Initially, the Department failed to open an investigation into the leak. Immediately after Mr. Novak's piece was published, the CIA contacted the Justice Department four times in the span of three weeks to (1) notify it that the disclosure of Wilson's name and covert status probably violated the law and (2) request a criminal investigation.⁷²⁹ On September 29, 2003, over a month after the first CIA notification, the Department finally confirmed that the FBI would investigate the leak.⁷³⁰

Unfortunately, the Department's handling of the case was subject to further delays and conflicts of interest. For example, the Department waited three days before notifying the White House of the investigation, and the then-White House Counsel Gonzalez in turn waited eleven hours before asking all White House staff to preserve any evidence. (Gonzales claimed that this day was approved by the Department of Justice).⁷³¹ Moreover, any evidence employees turned over was and continues to be screened for "relevance" by White House counsel, perhaps filtering out critical information.⁷³² **One reason given for these delays was that the Department was "going a bit slower on this one because it is so high-profile,"**⁷³³ according to FBI sources.

In addition to causing delay, other aspects of the Department's handling of the investigation are of concern. For example, law enforcement officials close to the investigation have indicated that then-Attorney General Ashcroft was personally and privately briefed on FBI interviews of Karl Rove, then a senior advisor to the President and now the Deputy White House Chief of Staff.⁷³⁴ **At the time of these events, Mr. Ashcroft had personal and political connections to Mr. Rove – Mr. Rove was an adviser to Mr. Ashcroft during the latter's political campaigns, earning almost \$750,000 for his services.**⁷³⁵

Finally, on December 30, 2003, these conflicts led the Attorney General to recuse himself from the investigation. Then-Deputy Attorney General James Comey became the acting Attorney General for the matter and simultaneously appointed Patrick Fitzgerald, the U.S. Attorney for the Northern District of Illinois, as a special counsel to lead the investigation.⁷³⁶



However, even Mr. Fitzgerald's appointment did not stop the Administration's efforts to delay the investigation. Mr. Fitzgerald encountered numerous problems, including Administration officials' failure to execute waivers of privilege. For example, Mr. Libby's initial failure to execute a clear and unequivocal waiver of privilege to Judith Miller significantly delayed and impeded Mr. Fitzgerald's investigation.⁷³⁷ Indeed, in a March 2005 filing with the court hearing the case, Mr. Fitzgerald stated he could not close the matter because of Ms. Miller's inability to testify about conversations with senior government officials.⁷³⁸ Looking back at the investigation on the day the grand jury expired, Mr. Fitzgerald noted that witnesses had not been able to testify when subpoenas were issued in August 2004, lamenting that "we would have been here in October 2004 instead of October 2005."⁷³⁹

Members of the Bush Administration also have sought to coverup their own misdeeds through a series of lies and misstatements. First, the White House Press Secretary repeatedly provided false information to the American people about the leak and the investigation. At a minimum, this occurred in exchanges on September 29, 2003,⁷⁴⁰ and on October 7, 2003,⁷⁴¹ which together contain at least eight falsehoods by Mr. McClellan.

With regard to Karl Rove being "involved" in the leak, Mr. McClellan asserted (i) that it was a "ridiculous suggestion"; (ii) that "it's not true"; (iii) "that he was not involved"; and (iv) "there's no truth to the suggestion that he was." With regard to whether Scooter Libby, Karl Rove, or Elliot Abrams "were the leakers," Mr. McClellan also claimed (v) it was a "ridiculous suggestion"; (vi) "it is simply not true"; (vii) "I've said its not true"; and (viii) "there is simply no truth to that suggestion. And I have spoken with Karl about it."

In addition to Mr. McClellan's false statements, Mr. Rove also made direct misstatements to the public. Asked on September 29, 2003 whether he had "any knowledge" of the leak or whether he leaked the name of the CIA agent, Rove answered "No."⁷⁴²

There is also clear evidence that Vice President Cheney "misspoke" on national television when he denied any knowledge of who sent Mr. Wilson to Niger. On a September 14, 2003 appearance on *Meet the Press*, Cheney said: "I don't know Joe Wilson . . . [and have] no idea who hired him."⁷⁴³ In point of fact, as the Libby Indictment reveals, "on or about June 12, 2003, Libby was advised by the Vice President of the United States that Wilson's wife worked at the Central Intelligence Agency in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA."⁷⁴⁴ This clearly contradicts Cheney's statement on *Meet the Press*.



The President himself appears to have mislead the American people regarding this cover-up when, among other things, he revoked his pledge to dismiss any and all leakers from his Administration. On September 30, 2003, when President Bush was asked about the matter and Rove's involvement in it, the President flatly declared: "Listen, I know of nobody – I don't know of anybody in my administration who leaked classified information. . . . If somebody did leak classified information, I'd like to know it, and we'll take the appropriate action. And this investigation is a good thing."⁷⁴⁵

The President was even more definitive on June 10, 2004, in the middle of his re-election campaign:

Q. Do you stand by your pledge to fire anyone found to have done so?

THE PRESIDENT: Yes.⁷⁴⁶

Despite these promises, on July 18, 2005, as it became increasingly clear that senior White House officials played a role in the leak, the President made it far less likely that the leakers would be subject to administrative discipline. At a press conference with the Prime Minister of India, President Bush stated, "if someone committed a crime, they will no longer work in my administration,"⁷⁴⁷ a stunningly low threshold for ethics.⁷⁴⁸



At a June 10, 2004 press conference,

Q: Do you stand by your pledge to fire anyone to have [leaked Valerie Plame's identity]?"

Bush: Yes

Other Instances of Bush Administration Retribution Against its Critics

Beyond the "sliming" of Ambassador Wilson, the Bush Administration appears to have engaged in a coordinated assault against numerous individuals and institutions that dared to challenge the Administration's assertions and conclusions about the Iraq war. These attacks were an apparent effort to both silence honest whistleblowers and shift focus away from the root of the problem - the Administration's wrongdoing.⁷⁵⁰

The list of persons who have suffered this fate is long, ranging from former General Shinseki, who was "sidelined for questioning the administration's projections about needed troop strength in Iraq"⁷⁵¹; to Jeffrey Kofman for reporting about

"The White House press office is under new management and has become slightly more aggressive about contacting reporters."⁷⁴⁹

-----July 16, 2003, Conservative Blogger Matt Drudge, describing how the Bush Administration gave him information in order to out a reporter as gay who had interviewed United States troops frustrated with the Iraq War.



frustrated soldiers in Iraq; to a CIA analyst named “Jerry” for ascertaining the truth about “Curveball.”

Former General Eric Shinseki and Others in the Military

Former General Eric Shinseki, Chief of Staff of the United States Army, was punished and undermined for contradicting Donald Rumsfeld’s pre-war assessment of troop needs in Iraq. In February 2003, **Shinseki presciently testified before the Senate Armed Services Committee that the Defense Department’s troop estimate for occupying Iraq was too low and that “something on the order of several hundred thousand soldiers” would be needed.**⁷⁵² He further stated, “We’re talking about post-hostilities control over a piece of geography that’s fairly significant, with the kinds of ethnic tensions that could lead to other problems.”⁷⁵³ He continued: “It takes a significant ground force presence to maintain a safe and secure environment, to ensure that people are fed, that water is distributed all the normal responsibilities that go along with administering a situation like this.”⁷⁵⁴



General Eric Shinseki’s willingness to publicly state, against the wishes of the Bush administration, the total number of forces required for victory in post-war Iraq cost him his job.

This, however, was very different from what the Defense Department had been telling Congress and the American public, as it had put the figure for occupation troop needs closer to 100,000 troops. Deputy Defense Secretary Paul Wolfowitz called Shinseki’s estimate “wildly off the mark” and said “I am reasonably certain that U.S. troops will greet us as liberators, and that will help us to keep requirements down.”⁷⁵⁵ Later, Defense Secretary Rumsfeld echoed these remarks, stating that “[t]he idea that it would take several hundred thousand U.S. forces I think is far off the mark.”⁷⁵⁶ It was also reported that in a semi-private meeting, the Pentagon’s civilian leadership told the *Village Voice* newspaper that General Shinseki’s remark was “bullshit from a Clintonite enamored of using the army for peacekeeping and not winning wars.”⁷⁵⁷

General Shinseki refused to back down from his honest – and ultimately correct – estimate. A spokesman for the General, Col. Joe Curtin, stated, “He was asked a question and he responded with his best military judgment.”⁷⁵⁸ And, in another congressional hearing, General Shinseki stated that the number “could be as high as several hundred thousand. . . . We all hope it is something less.”⁷⁵⁹

In the end, General Shinseki’s comments, and his willingness to say them publicly, cost him his job worth and status. In revenge for his comments, Defense Department officials leaked the name of Shinseki’s replacement 14 months before his retirement, rendering him a lame duck commander and “embarrassing and

neutralizing the Army's top officer."⁷⁶⁰ As one person who engaged in high-level planning for both wars said, "There was absolutely no debate in the normal sense. There are only six or eight of them who make the decisions, and they only talk to each other. And if you disagree with them in public, they'll come after you, the way they did with Shinseki."⁷⁶¹ Shinseki "dared to say publicly that several hundred thousand troops would be needed to occupy Iraq [and] was ridiculed by the administration and his career was brought to a close."⁷⁶² Another reporter noted that "[t]his administration has a history of undermining people who raise questions. . . . Army Chief of Staff Gen. Eric Shinseki was publicly humiliated for suggesting it would take hundreds of thousands of troops to secure a post-Saddam Iraq."⁷⁶³

A situation similar to that of General Shinseki was the retaliation against Major General John Riggs. Major General Riggs gave an interview with *The Baltimore Sun* saying the army needed at least another 10,000 soldiers because it was being stretched too thin between Iraq and Afghanistan.⁷⁶⁴ General George W. Casey subsequently told Riggs to "stay in your lane" and not discuss the troops.⁷⁶⁵ Riggs retired and was denied his full rank, officially for "minor infractions."⁷⁶⁶ A retired Army Lieutenant General, Jay M. Garner, a one-time Pentagon adviser who ran reconstruction efforts in Iraq in 2003, commented that when Riggs made his comment about being overstretched in Iraq, the Administration "went bats The military part of [the defense secretary's office] has been politicized. If [officers] disagree, they are ostracized and their reputations are ruined."⁷⁶⁷

Another victim of the Administration's attacks was Army Spc. Thomas Wilson, a 31-year-old member of a Tennessee National Guard unit. After asking Donald Rumsfeld why vehicle armor was still scarce nearly two years after the start of the war, Mr. Wilson was trashed as an insubordinate plant of the "liberal media."⁷⁶⁸

Former Secretary of Treasury Paul O'Neill and Economic Adviser Lawrence Lindsey

Former Secretary of Treasury Paul O'Neill was punished twice by the Administration, once for opposing Bush's tax policy, for which he was forced to resign in January 2003,⁷⁶⁹ and later for providing a first hand account of the Administration's decision-making process in the lead up to the Iraq war. In "The Price of Loyalty," written by former *Wall Street Journal* reporter Ron Suskind, O'Neill recounts how the Administration was discussing plans for going to war in Iraq in the earliest days of Bush's presidency, well before the September 11 attacks. He stated that Iraq was discussed at the first National Security Council meeting after Bush was inaugurated in January 2001. "From the very beginning, there was a conviction that Saddam Hussein was a bad person and that he needed to go," O'Neill told 60 Minutes.⁷⁷⁰ The only task was "finding a way to do it."⁷⁷¹ He also stated that



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he never saw any credible intelligence indicating that Saddam Hussein had weapons of mass destruction.⁷⁷²

Before the book was published, Donald Rumsfeld called Secretary O'Neill and tried to persuade his longtime friend not to go through with the project. Rumsfeld labeled it a "sour grapes" book.⁷⁷³ But when Mr. O'Neill went through with the book, the Administration sought to discredit him by launching an investigation into his use of classified documents and whether he shared them with *60 Minutes* in his interviews.⁷⁷⁴ As Paul Krugman of *The New York Times* points out, the Administration "opened an investigation into how a picture of a possibly classified document appeared during Mr. O'Neill's TV interview."⁷⁷⁵

The investigation did not uncover any improprieties.⁷⁷⁶ The Treasury Department's inspector general reported that although O'Neill received the classified material after his resignation, the lapse was the fault of the department, not O'Neill.⁷⁷⁷ It is noteworthy now sharply this contrast with evident lack of concern when a senior administration official, still unknown, blew the cover of a C.I.A. operative because her husband had revealed some politically inconvenient facts.⁷⁷⁸

The Administration also sought to minimize O'Neill's role as a high-level official and painted him to be completely out of step with reality. As one writer observed, "O'Neill's revelations have not been met by any factual rebuttal. Instead, they have been greeted with anonymous character assassination from a 'senior official': 'Nobody listened to him when he was in office. Why should anybody now?'"⁷⁷⁹



Senior White House Economic Advisor, Lawrence Lindsey, was asked to resign three months after he crossed the Bush Administration by publicly predicting the war would cost between \$100 and \$200 billion. This estimate has proved to be far less than the current total costs.

Press Secretary Scott McClellan said "We appreciate his service, but we are not in the business of doing book reviews. . . . It appears that the world according to Mr. O'Neill is more about trying to justify his own opinion than looking at the reality of the results we are achieving on behalf of the American people."⁷⁸⁰ Another senior Administration official stated, "The Treasury Secretary is not in the position to have access to that kind of information, where he can make observations of that nature . . . This is a head-scratcher."⁷⁸¹

The Administration also went after former senior White House economic adviser Larry Lindsey. Mr. Lindsey angered the White House in September 2002 when he made a prescient prediction that a war with Iraq would cost between \$100 billion and \$200 billion, an estimate Administration officials at the time insisted was too high. In December 2002, the White House requested that Lindsey resign from his post.⁷⁸² Lindsey's estimate, of course, has proved to be on the far low side.⁷⁸³ As Frank Rich wrote, "Lawrence Lindsey, the president's chief

economic adviser, was pushed out after he accurately projected the cost of the Iraq war.”⁷⁸⁴

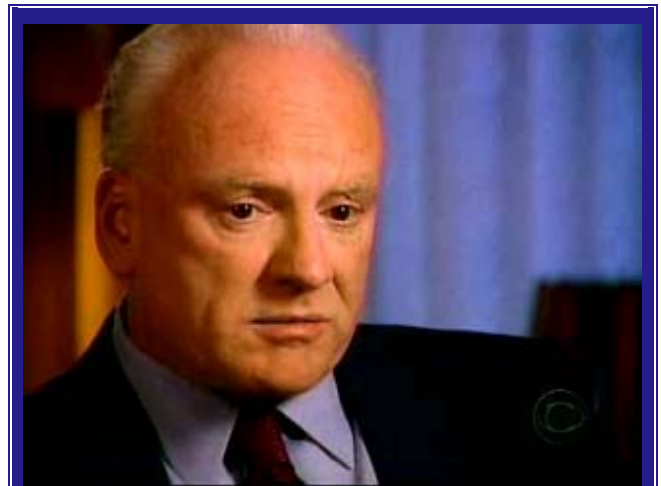
Richard Clarke

The Administration personally attacked Richard Clarke, the former counterterrorism czar, for publishing a book in which he recounted how the Bush Administration was fixated on invading Iraq. Clarke’s book, “Against All Enemies: Inside the White House’s War on Terror—What Really Happened,” was published in March of 2004. Clarke, who worked for both Democrat and Republican administrations and helped shape U.S. policy on terrorism under President Reagan and the first President Bush as well as President Clinton, suggests in his book that President Bush was overly fixated on Saddam Hussein and Iraq. As a result, the President let down his guard on al Qaeda. Clarke stated that Bush’s top aides wanted to use the terrorist attacks of September 11 as an excuse to remove Saddam from power.⁷⁸⁵ In an interview with CBS, Clarke recalled: “Rumsfeld was saying we needed to bomb Iraq . . . We all said, ‘but no, no, al-Qaeda is in Afghanistan.’”⁷⁸⁶ Rumsfeld responded: “There aren’t any good targets in Afghanistan. And there are lots of good targets in Iraq.”⁷⁸⁷

Clarke also stated that his team substantively examined whether there was a connection between Iraq and the September 11 attacks. “We got together all the FBI experts, all the C.I.A. experts. We wrote the report. We sent the report out to C.I.A. and found FBI and said, ‘Will you sign this report?’ They all cleared the report. And we sent it up to the president and it got bounced by the National Security Advisory or Deputy. It got bounced and sent back saying, ‘Wrong answer. . . . Do it again.’”⁷⁸⁸

Because of these revealing accounts, the Bush Administration went into attack mode in an attempt to discredit and smear Clarke.

Dan Bartlett, White House communications director, dismissed Clarke’s accounts as “politically motivated,” “reckless,” and “baseless.”⁷⁸⁹ Scott McClellan, President Bush’s spokesman, portrayed Clarke as a disgruntled former employee: “Mr. Clarke has been out there talking about what title he had . . . He wanted to be the deputy secretary of the Homeland Security Department after it was created. The fact of the matter is, just a few months after that, he left the administration. He did not get that position. Someone else was appointed.”⁷⁹⁰ National Security Adviser Condoleezza Rice alleged that: “Dick Clarke just does not know what he is talking about. He wasn’t involved in most of the meetings of the Administration.”⁷⁹¹ Vice President Cheney stated that



The Bush Administration went into attack mode in an attempt to discredit and smear Clarke after he published a book in which he recounted how the Bush Administration was fixated on invading Iraq.



Clarke “wasn’t in the loop, frankly, on a lot of this stuff . . . It was as though he clearly missed a lot of what was going on.”⁷⁹² Even Republican Majority Leader Bill Frist went after Clarke, saying “[i]n his appearance before the 9/11 commission, Mr. Clarke’s theatrical apology on behalf of the nation was not his right, his privilege or his responsibility. In my view it was not an act of humility, but an act of supreme arrogance and manipulation.”⁷⁹³

The Bush Administration’s smear campaign against Clarke was widely discussed. As Joe Conason, a political commentator and journalist, stated, “[A]dministration officials have been bombarding him with personal calumny and abuse. They have called him an embittered job-seeker, a publicity-seeking author, a fabricator, a Democratic partisan and, perhaps worst of all, a friend of a friend of John Kerry.”⁷⁹⁴ Sidney Blumenthal noted, “The controversy raging around Clarke’s book – and his testimony before the 9/11 commission that Bush ignored warnings about terrorism that might have prevented the attacks–revolves around his singularly unimpeachable credibility. In response, the Bush administration has launched a full-scale offensive against him: impugning his personal motives, claiming he is a disappointed job-hunter, that he is publicity mad, a political partisan . . . as well as ignorant, irrelevant and a liar.”⁷⁹⁵ The Administration’s attacks were seriously questioned by those who were aware of Clarke’s qualifications. One journalist described the White House’s attacks as “desperate” because “for the first time since the September 11 attacks, Bush’s greatest accomplishments have been credibly recast as his greatest failures.”⁷⁹⁶

Cindy Sheehan

Cindy Sheehan, founder of Gold Star Families for Peace, is the mother of Casey Sheehan, a church group leader and honor roll student who enlisted in 2000 before the September 11 attacks. At the age of 24, on April 4, 2004, Casey died in a rescue mission with six other soldiers in Sadr City. This was almost a year from the date President Bush declared “mission accomplished” in Iraq and announced the end of major combat operations.

After the death of her son, Ms. Sheehan became an active leader and participant in protesting the Iraq war. On August 6, 2005, Ms. Sheehan set up camp at President Bush’s ranch in Crawford, Texas, asserting that she would remain there until the President agreed to meet with her to discuss the war.⁷⁹⁷

Instead of meeting with Sheehan,⁷⁹⁸ the Administration and other conservative media outlets began to attack Sheehan. Columnist Maureen Dowd noted that the “Bush team tried to discredit ‘Mom’ by pointing reporters to an



The Bush Administration enlisted all of its media friends on talk radio and the blogosphere to label Cindy Sheehan a “crackpot” and to spread tales about her divorce.

old article in which she sounded kinder to W. If only her husband were an undercover C.I.A. operative, the Bushies could out him. But even if they send out a squad of Swift Boat Moms for Truth, there will be a countering Falluja Moms for Truth.”⁷⁹⁹

The attacks continued as Fred Barnes of *Fox News* labeled Sheehan a “crackpot.”⁸⁰⁰ Conservative blogs then started talking about Sheehan’s divorce. “The right-wing blogosphere quickly spread tales of her divorce, her angry Republican in-laws, her supposed political flip-flops, her incendiary sloganeering and her association with known ticket-stub-carrying attendees of ‘Fahrenheit 9/11.’ Rush Limbaugh went so far as to declare that Ms. Sheehan’s ‘story is nothing more than forged documents - there’s nothing about it that’s real.’”⁸⁰¹

The President also joined in on the attack by criticizing Sheehan as unrepresentative of most military families he meets. He labeled anti-war protestors as dangerous isolationists and stated that they advocated policies that would embolden terrorists. “An immediate withdrawal of our troops in Iraq or the broader Middle East, as some have called for, would only embolden the terrorists and create a staging ground to launch more attacks against America and free nations,” he told an audience mostly made up of Idaho National Guard members.⁸⁰²

Commenting on these typical administration smear tactics, journalist Ahmed Amr wrote the following:

Karl Rove has let the dogs out. A vicious campaign to maul Citizen Sheehan is in play. Instead of answering her questions - the right wing media hacks are focusing on her motives, her mental health, her ideology and her family. These are standard and classic Rovian tactics used to smear administration critics. The predictable pundits at FOX have taken the lead by portraying Sheehan as a treasonous ‘crackpot’ who is exploiting the death of her son to gain fame and fortune and advance the extremist political agenda of leftist ‘anti-American’ groups. Hate radio stations across the nations are assailing Cindy’s integrity and questioning her patriotism.⁸⁰³

Jeffrey Kofman

Jeffrey Kofman, an ABC reporter, was “outed” by the Administration after giving voice to frustrated soldiers in Iraq. On July 15, 2003, one week after Donald Rumsfeld told certain troops they would be going home, Kofman covered a story in which American soldiers in Falluja described low moral in Iraq and spoke angrily of how their tour of duty had been extended yet again.⁸⁰⁴ Kofman interviewed several troops who criticized President Bush and Donald Rumsfeld on camera, including Spc. Clinton Deitz, who said “If Donald Rumsfeld was here, I’d ask him for his resignation.”⁸⁰⁵ The story was broadcast on *ABC News World Report*, a nightly newscast anchored by Peter Jennings.⁸⁰⁶ It was repeated on *Good Morning America* the next day.⁸⁰⁷





Jeffrey Kofman, an ABC reporter, was “outed” by the Administration after giving voice to frustrated soldiers in Iraq

The White House retaliated, using Matt Drudge and his Drudge Report website as the vehicle. Drudge’s website contained the headline: “ABC News Reporter Who Filed Troops Complaint Story – Openly Gay Canadian.”⁸⁰⁸ When asked about the story, Drudge pointed to the White House as his source, telling Lloyd Grove of *The Washington Post* that “someone from the White House communications shop” had given him the information.⁸⁰⁹ Drudge was also reported as saying, “The White House press office is under new management and has become slightly more aggressive about contacting reporters.”⁸¹⁰

It had become standard Administration practice to discredit the messenger rather than refute the message. As columnist Frank Rich aptly stated, “the ‘outing’ of Mr. Kofman (who turned out to be openly gay) almost simultaneously with the outing of Ms. Plame points to a pervasive culture of revenge in the White House and offers a clue as to who might be driving it. Joshua Green reported in detail in *The Atlantic Monthly* last year, a recurring feature of Mr. Rove’s political campaigns throughout his career has been the questioning of an ‘opponent’s sexual orientation.’”⁸¹¹

International Organizations—the Organization for the Prohibition of Chemical Weapons and the IAEA

Jose Bustani, a Brazilian diplomat and former director of the Organization for the Prohibition of Chemical Weapons (OPCW), which oversees the destruction of two million chemical weapons and two-thirds of the world’s chemical weapon facilities, was attacked and ultimately ousted by the Bush Administration for failing to cooperate with the Administration’s decision to attack Iraq. Bustani began serving as director of OPCW in 1997 and was reelected to the position of Director-General in May 2000 for the 2001-2005 term by a unanimous vote.⁸¹²

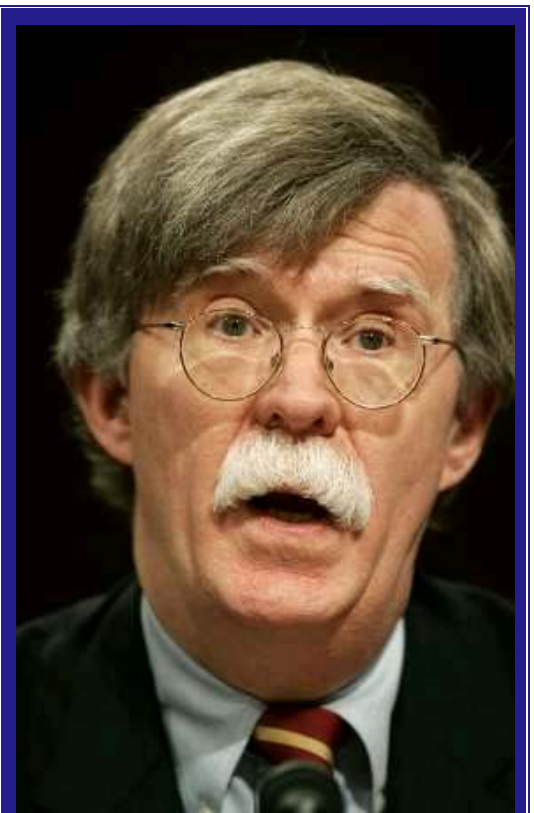
In early 2001, Bustani sought to convince Saddam Hussein to sign the chemical weapons convention, hoping that he would eventually be able to send chemical weapons inspectors to Baghdad. It was perceived by some in the Bush Administration that sending weapons inspectors to Iraq “might have helped defuse the crisis over alleged Iraqi weapons and undermined a U.S. rationale for war.”⁸¹³ Consequently, Undersecretary of State John Bolton and other Administration officials grew increasingly irritated with Bustani for his attempts to send inspectors to Iraq. According to Bustani himself, he received a “menacing” phone call from John Bolton in June 2001.⁸¹⁴ He elaborated in an interview with the French newspaper *Le Monde* in mid-2002, saying Bolton “tried to order me around,” and sought to have

some U.S. inspection results overlooked and certain Americans hired to OPCW positions.⁸¹⁵

When Bustani refused, Bolton apparently led a campaign to have him fired and based the campaign on Bustani purported “mismanagement” of the agency. **But as one Bolton aide explicitly stated, Jose Bustani “had to go” because he was trying to send chemical weapons inspectors to Baghdad.**⁸¹⁶ A former Bustani aide also noted that Bolton sought Bustani’s removal not because of mismanagement, for which Bolton offered no evidence, but because Bustani wanted to avoid war. **As OPCW official Bob Rigg told the *Associated Press*: “Why did they not want OPCW involved in Iraq? They felt they couldn’t rely on OPCW to come up with the findings the U.S. wanted.”**⁸¹⁷

The Bush Administration went public with its campaign in March 2002, moving to terminate Bustani’s tenure. On the eve of an OPCW Executive Council meeting to consider the dismissal, Bolton personally met Bustani in The Hague to seek his resignation. When Bustani refused, according to Bustani, **“Bolton said something like, ‘Now we’ll do it the other way,’ and walked out,”** OPCW official Bob Rigg recounted.⁸¹⁸ In the Executive Council, the Bush Administration failed to win majority support among the 41 nations. In light of this failure, the Administration became more aggressive in its approach, sending envoys to the member-states of the OPCW to secure votes for his dismissal. **The Administration reportedly began a smear campaign against Bustani, accusing him of “financial mismanagement,” “demoralization of his staff,” “bias,” and “ill-reputation.”**⁸¹⁹

The Bush Administration also called an unusual, special session of the OPCW member states in April 2002. Addressing the delegates, Bustani pleaded that the conference must decide whether genuine multilateralism “will be replaced by unilateralism in a multilateral disguise.”⁸²⁰ To strongarm the member nations, the U.S. delegation suggested it would withhold U.S. dues – 22 percent of the budget – if Bustani stayed in office, stirring fears of an OPCW collapse.⁸²¹ With less than one-third of the member nations voting, the Bush Administration got its way and Bustani was let go. However, in a stern rebuke to the Administration, the United Nations’ highest administrative tribunal in July 2003 declared that the Bush Administration’s allegations were “extremely



An aide to John Bolton revealed his directive that Jose Bustani “had to go” because the former director of the Organization for the Prohibition of Chemical Weapons wanted to send chemical weapons inspectors to Iraq. Not only did the U.S. threaten to withhold all funding for the OPCW if Bustani wasn’t fired, but the Bush Administration also began a smear campaign against Bustani, accusing him of “financial mismanagement,” “demoralization of his staff,” “bias,” and “ill-reputation.”



vague” and the dismissal was “unlawful.” It stated that international civil servants must not be made “vulnerable to pressures and to political change.”⁸²²

The Bush Administration also sought to undermine the IAEA and its Director-General. After Jacques Baute, the head of the IAEA's Iraq inspections unit, determined that the Niger documents were fraudulent and IAEA Director-General Mohammed ElBaradei delivered Baute's conclusions to the Security Council, Vice President Cheney publicly assaulted the credibility of the organization and ElBaradei. Vice President Cheney stated on *Meet the Press*: “I think Mr. ElBaradei frankly is wrong . . . I think, if you look at the track record of the [IAEA] and this kind of issue, especially where Iraq's concerned, they have consistently underestimated or missed what it was Saddam Hussein was doing. I don't have any reason to believe they're any more valid this time than they've been in the past.”⁸²³

Beginning in late 2004, the White House made a push to oust ElBaradei from the agency. The Administration's retaliation campaign included a complete halt of intelligence-sharing with the agency, recruitment of potential replacements and eavesdropping on his calls in search of ammunition to use against ElBaradei and the IAEA.⁸²⁴ As *The New York Times* noted, “Tensions [between the United States and the IAEA] were so sharp that agency officials said they suspected their phones, including Dr. ElBaradei's, were being wiretapped by American intelligence agencies.”⁸²⁵ Further:

For most of the last year (2004), the Bush administration had tried to block Dr. ElBaradei from assuming a third term as chief of the agency, a part of the United Nations . . . The roots of the disagreement stretch back before the invasion of Iraq, when Dr. ElBaradei was openly skeptical of the Bush administration's accusations that Saddam Hussein had rebuilt a nuclear program. No weapons of mass destruction have since been found in Iraq.⁸²⁶

Mohamed ElBaradei and the IAEA were easily vindicated by the international community and ElBaradei recently won the 2005 Nobel Peace Prize for his longstanding efforts.⁸²⁷

Bunnatine Greenhouse

Bunnatine Greenhouse was the chief contracting officer at the Army Corps of Engineers, the agency that has managed much of the reconstruction work in Iraq. In October 2004, Ms. Greenhouse came forward and revealed that top Pentagon officials showed improper favoritism to Halliburton when awarding military contracts to Halliburton subsidiary Kellogg Brown & Root (KBR).⁸²⁸ Greenhouse stated that when the Pentagon awarded Halliburton a five-year \$7 billion contract, it pressured her to withdraw her objections, actions which she claimed were unprecedented in her experience.⁸²⁹

On June 27, 2005, Ms. Greenhouse testified before Congress, detailing that the contract award process was compromised by improper influence by political appointees, participation by Halliburton officials in meetings where bidding requirements were discussed, and a lack of competition.⁸³⁰ She stated that the Halliburton contracts represented "the most blatant and improper contract abuse I have witnessed during the course of my professional career."⁸³¹ Days before the hearing, the acting general counsel of the Army Corps of Engineers paid Ms. Greenhouse a visit and reportedly let it be known that it would not be in her best interest to appear voluntarily.⁸³²

On August 27, 2005, the Army demoted Ms. Greenhouse, removing her from the elite Senior Executive Service and transferring her to a lesser job in the corps' civil works division.⁸³³ As Frank Rich of *The New York Times* described the situation, "[H]er crime was not obstructing justice but pursuing it by vehemently questioning irregularities in the awarding of some \$7 billion worth of no-bid contracts in Iraq to the Halliburton subsidiary Kellogg Brown & Root."⁸³⁴ The demotion was in apparent retaliation for her speaking out against the abuses, even though she previously had stellar reviews and over 20 years of experience in military procurement. "They went after her to destroy her," said Michael Kohn, her attorney, who added that the demotion was "absolutely" in retaliation for her complaints about the Halliburton contract.⁸³⁵



Bunnatine Greenhouse, former chief contracting officer at the Army Corps of Engineers, was demoted after vigorously objecting to \$7 billion worth of Iraq no-bid contracts awarded to Halliburton subsidiary Kellogg Brown & Root.

The Central Intelligence Agency and its Employees

The Bush Administration also appears to have undermined and used the CIA and its analysts as a scapegoat for its own failings. In the article *The Secret Way to War*, Mark Danner describes the Administration's approach: "[Administration] officials now explain their misjudgments in going to war by blaming them on 'intelligence failures'—that is, on the intelligence that they themselves politicized."⁸³⁶

Among other things, the White House blamed the CIA and George Tenet for the Niger reference in the State of the Union address after the CIA had sought to modify, if not delete, the reference. "Condoleezza Rice, the national-security adviser, told a television interviewer on July 13th, 'Had there been even a peep that the agency did not want that sentence in or that George Tenet did not want that sentence . . . it would have been gone.'"⁸³⁷ E.J. Dionne wrote:



After Tenet's hedged statement about the Niger affair, whatever trust remained between the White house and C.I.A. seemed to dissolve. Then-national security adviser Condoleeza Rice blasted Tenet personally, and the White house escalated its criticisms of the C.I.A.'s intelligence failure. Tenet was gone by early 2004.⁸³⁸



When Porter Goss replaced George Tenet as Director of the CIA, he began what one recently retired CIA official called a "political purge" of analysts in the CIA's Directorate of Intelligence.

The CIA was also undermined when it resisted immediate endorsement of the Administration's theories about Iraq.⁸³⁹ When the CIA did not fall in line with the Administration's assessment of a link between Iraq and al Qaeda, "administration officials began a campaign to pressure the agency to toe the line. Perle and other members of the Defense Policy Board, who acted as quasi-independent surrogates for Wolfowitz, Cheney, and other administration advocates for war in Iraq, harshly criticized the C.I.A. in the press. The C.I.A.'s analysis of Iraq, Perle said, 'isn't worth the paper it is written on.'"⁸⁴⁰ In addition, the Pentagon created a special intelligence operation to offer alternative

intelligence analyses to the CIA.⁸⁴¹ Secretary Rumsfeld began "publicly discussing the creation of a new Pentagon position, an undersecretary for intelligence, who would rival the C.I.A. director and diminish the authority of the agency."⁸⁴²

In addition, when Porter Goss replaced George Tenet as Director of the CIA, he began what one recently retired CIA official called a "political purge" of analysts in the CIA's Directorate of Intelligence.⁸⁴³ Several senior analysts who wrote dissenting papers were among those purged. One former CIA official said, "The White House carefully reviewed the political analyses of the DI so they could sort out the apostates from the true believers."⁸⁴⁴

We also have received information of Bush Administration retaliation against two CIA officials who sought to provide accurate information regarding the Administration's inappropriate reliance on the Iraqi defector known as "Curveball"⁸⁴⁵ and his alleged statements regarding mobile chemical weapons laboratories. The first is "Jerry," who led a CIA unit that went to Iraq and found Curveball's claims to be blatantly false and misleading. After he did so, he was chastised and transferred. According to *The Los Angeles Times*:

Back home . . . Jerry was "read the riot act" and accused of "making waves" by his office director, according to the presidential commission. He and his colleague ultimately were transferred out of

the weapons center. The C.I.A. was “very, very vindictive,” Kay said. Soon after, Jerry got in touch with Michael Scheuer . . . “Jerry had become kind of a nonperson,” Scheuer recalled of their meeting. “There was a tremendous amount of pressure on him not to say anything. Just to sit there and shut up.”⁸⁴⁶

A CIA spokeswoman confirmed the account but declined to comment further. Jerry still works at the CIA and could not be contacted for this report. His former supervisor, reached at home, said she could not speak to the media. “What was done to them was wrong,” said a former Pentagon official who investigated the case for the presidential commission.⁸⁴⁷

Another victim was David Kay, head of the Iraq Survey Group, which found the Bush Administration’s WMD claims to be inaccurate, including its reliance on Curveball:



In December 2003, Kay flew back to C.I.A. headquarters. He said he told Tenet that Curveball was a liar and he was convinced Iraq had no mobile labs or other illicit weapons. C.I.A. officials confirm their exchange. Kay said he was assigned to a windowless office without a working telephone. On Jan. 20, 2004, Bush lauded Kay and the Iraq Survey Group in his State of the Union Speech for finding “weapons of mass destruction-related program activities. . . . Had we failed to act, the dictator’s weapons of mass destruction program would continue to this day.” Kay quit three days later and went public with his concerns.⁸⁴⁸

Finally, others in the CIA have suffered retaliation for criticizing the Administration or calling into question the validity or wisdom of the war. For example, in spring 2001, “an informant told the CIA that Iraq had abandoned a major element of its nuclear weapons program.”⁸⁴⁹ However, according to a CIA officer, the agency did not share the information with other agencies or with senior policy makers.⁸⁵⁰ The officer, an employee for the agency for more than 20 years, including several years in intelligence related to illicit weapons, was fired in 2004.⁸⁵¹ In his lawsuit, the officer states that his dismissal was punishment for his reports questioning the agency’s assumptions on a series of weapons-related matters and with the agency’s intelligence conclusions.⁸⁵²



Ongoing Lies, Deceptions and Manipulations

Another means by which the Bush Administration has sought to cover up and obscure its initial misstatements about the Iraq war is through additional and ongoing misinformation and manipulation concerning the status of the war,⁸⁵³ including the efficacy of the occupation, the costs of the war to our nation, and the war's impact on terrorism.

The Bush Administration has even sought to alter its justification for the war after the fact, and to assert that weapons of mass destruction have been found in Iraq.

Efficacy of the Occupation

From the very outset, the Bush Administration sought to convince the American public that the Iraq occupation would be an unmitigated success. Most famously, on May 1, 2003, President Bush landed aboard the USS Abraham Lincoln, and standing beneath a massive banner reading "Mission Accomplished," declared, "In the battle of Iraq, the United States and our allies have prevailed," and "major combat operations in Iraq have ended."⁸⁵⁴

In addition, the Bush Administration has consistently underestimated the size, intensity and strength of the Iraqi insurgency, and overestimated the abilities of the Iraqis to defend themselves. Thus, for example on June 18, 2003, when asked at a Pentagon press conference about the Iraqi resistance, Defense Secretary Rumsfeld described it as "small elements" of 10 to 20 people, not large military formations or networks of attackers, and observed that "in those regions where pockets of dead-enders are trying to reconstitute, Gen. [Tommy] Franks and his team are rooting them out. In short, the coalition is making good progress."⁸⁵⁵ More than two years later, on June 20, 2005, Vice President Cheney stated, in a CNN interview, "The level of activity that we see today from a military standpoint, I think, will clearly decline. I think they're in the last throes, if you will, of the insurgency."⁸⁵⁶

With regard to Iraqi troop capabilities, on March 14, 2004, Donald Rumsfeld stated: "We're making very good progress with respect to the Iraqi security forces. We're up to over 200,000 Iraqis that have been trained and equipped, and are deployed and out providing security . . . [t]he essential service work is going forward, and so, too, the governance."⁸⁵⁷ As recently as October 4, 2005, the President emphasized progress in Iraqi troop preparation and claimed there were about "30 Iraqi battalions in the lead."⁸⁵⁸

The reality is far different. On June 1, 2003, former Army Secretary James White said defense officials are "unwilling to come to grips" with the scale of U.S. involvement in Iraq.⁸⁵⁹ "This is not what they were selling (before the war) . . . It's almost a question of people not wanting to 'fess up' to the notion that we will be

there a long time and they might have to set up a rotation and sustain it for the long term.”⁸⁶⁰ Former military officials have acknowledged their growing frustration with a war that they feel was not properly planned by the Bush Administration. General Anthony Zinni, now retired, has said:

There has been poor strategic thinking in this . . . [t]here has been poor operational planning and execution on the ground. And to think that we are going to ‘stay the course,’ the course is headed over Niagara Falls. I think it’s time to change course a bit, or at least hold somebody responsible for putting you on this course. Because it’s been a failure.⁸⁶¹

A recently retired four-star general admitted that “[w]e’re good at fighting armies, but we don’t know how to do this. We don’t have enough intelligence analysts working on this problem.”⁸⁶²

As for the number of combat-ready Iraqi troops, less than a week before the President’s speech stating there were 30 Iraqi battalions, **his own commanders testified that the number of Iraqi battalions capable of fighting unaided had dropped from 3 to 1.**⁸⁶³ Moreover, according to *The New York Times*, a recently “declassified Pentagon assessment” explained that “half of Iraq’s new police battalions are still being established and cannot conduct operations, while the other half of the police units and two-thirds of the new army battalions are only ‘partially capable’ of carrying out counterinsurgency missions, and only with American help. . . . Only ‘a small number’ of Iraqi security forces are cable of fighting the insurgency without American assistance, while about one-third of the army is capable of ‘planning, executing and sustaining counterinsurgency operations’ with allied support.”⁸⁶⁴

The Bush Administration has even gone so far as to repeatedly take credit for killing or capturing al-Zarqawi’s second in command when, in reality, “New York’s Daily News would quickly report, the man in question ‘may not even be one of the top 10 or 15 leaders.’ By one analysis, 33 so-called ‘top lieutenants’ of Abu Musab al-Zarqawi who have been captured, killed or identified in the past two and a half years, with no deterrent effect on terrorist violence in Iraq, Madrid or London.”⁸⁶⁵

The Bush Administration has also repeatedly taken to highlighting turning points in the occupation, which unfortunately has never proved true. “We have long since lost count of all the historic turning points and fast-evaporating victories hyped by this president. The toppling of Saddam’s statue, ‘Mission Accomplished,’ the transfer of sovereignty and the purple fingers all blur into a hallucinatory loop of delusion. One such red-letter day, some may dimly recall, was the adoption of the previous, interim constitution in March 2004, also proclaimed a ‘historic milestone’ by Mr. Bush. Within a month after that fabulous victory, the insurgency boiled over into the war we have today, taking, among many others, the life of Casey Sheehan.”⁸⁶⁶



At the same time, the Bush Administration has over-promised the extent and benefits of Iraqi reconstruction. For example, in 2003, the Bush Administration asked Congress to appropriate over \$20 billion for Iraqi reconstruction efforts and promised the funds would be used to restore oil production to pre-war levels, increase electricity production substantially above pre-war levels, and provide drinking water to 90% of Iraqis.⁸⁶⁷

Again, the reality has proven starkly different. Representative Waxman has found that “[o]il production remains below pre-war levels, electricity production is unreliable and well below the goal of 6,000 megawatts of peak electricity output, and a third of Iraqis still lack access to potable water. Billions of taxpayer dollars have been spent, but there is little to show for the expenditures in Iraq.”⁸⁶⁸

An analysis by *USA Today*, based in part on an Office of Special Inspector General for Iraq Reconstruction Report also found rampant waste, fraud and diversion of reconstruction funds:

Congress appropriated \$ 18.4 billion for Iraq reconstruction in November 2003, but last year nearly \$5 billion of it was diverted to help train and equip Iraq’s security forces as the Insurgency grew in strength. . . . **And the security costs keep increasing. Originally estimated at 9% of total project costs, security costs have risen to between 20% and 30%, says Brig. Gen. William McCoy Jr., commander of the Army Corps of**

Engineers in Iraq. . . . Rebuilding it has proved tougher than first envisioned. Nearly half of all of Iraqi households still don’t have access to clean water, and only 8% of the country, excluding the capital, is connected to sewage networks. . . . Besides escalating security costs, reconstruction also has been dogged by allegations of fraud and mismanagement. Nearly \$100 million in Iraqi funds distributed by the Coalition Provisional Authority for reconstruction was either spent without supporting receipts or vanished.⁸⁶⁹



On March 19, 2003, the Bush Administration issued a directive forbidding news coverage of “deceased military personnel returning to or departing from” air bases.

In its headlong efforts to convince Americans of the occupation’s success, the Bush Administration has taken several steps to insure that only positive stories come out of Iraq. Thus, on March 19, 2003, the Bush Administration issued a directive forbidding news

coverage of “deceased military personnel returning to or departing from” air bases.⁸⁷⁰ On the other hand, the Administration has recently opted to publicize insurgent death tolls. *The Washington Post* reported on October 24, 2005: “Eager to demonstrate success in Iraq, the U.S. military has abandoned its previous refusal to publicize enemy body counts and now cites such numbers periodically to show the impact of

some counterinsurgency operations . . . a practice discredited during the Vietnam War.”⁸⁷¹

Also, on October 12, 2005, the Bush Administration went so far as to pre-stage and pre-script an event with 10 American soldiers to tout the occupation’s successes, including a soldier whose responsibility included public affairs and press.⁸⁷² According to press accounts, Allison Barber, Deputy Assistant to the Secretary of Defense for Internal Communication, could be heard asking one soldier before the start:

[T]he president is going to ask you some questions. And he may ask all six of them, he may ask three of them, he might have such a great time talking to you, he might come up with some new questions . . . So what we want to be prepared for is to not, not stutter. So if there’s a questions that the president comes up with that we haven’t drilled through today, and I’m expecting the microphone to go right back to you, Captain Kennedy and you to handle.⁸⁷³

On November 30, 2005, *The LA Times* first reported that the U.S. military was secretly paying Iraqi media outlets to run stories prepared by the Pentagon.⁸⁷⁴ Under this program, described as “extensive, costly, and hidden,”⁸⁷⁵ the DOD has paid the Lincoln Group some \$100 million to place more than 1,000 articles in the Iraqi and Arab press. Concerning this program, a senior Pentagon official stated “Here we are trying to create the principles of democracy in Iraq. Every speech we give in that country is about democracy. And we’re breaking all the first principles of democracy when we’re doing it.”⁸⁷⁶ Colonel Jack N. Summe, the then commander of the Fourth Psychological Operations Group, also admitted: “We call our stuff information and the enemy’s propaganda . . . [even in the Pentagon] some public affairs professionals see us unfavorably as for propaganda . . . as lying, dirty tricksters.”⁸⁷⁷ (This was disclosed at the same time that Scott McClellan stated the U.S. is “a leader when it comes to promoting and advocating a free and independent media around the world.”⁸⁷⁸)

This Pentagon propaganda program has its roots in the Pentagon’s “Office of Strategic Influence,” formed in the Pentagon after the September 11 attacks, which was disbanded in February 2002 after it was planning “to provide news items, possibly even false ones, to foreign news organizations.”⁸⁷⁹ Later in 2002, Secretary Rumsfeld told the media he gave them a “corpse” by closing the Office of Strategic Influence, but he intended to “keep doing every single thing that needs to be done.”⁸⁸⁰

As Mr. Rumsfeld predicted, the Pentagon has continued to engage these controversial foreign propaganda activities, outsourcing to groups such as the Lincoln Group,⁸⁸¹ the Rendon Group, and Ahmad Chalabi’s INC Information Collection Program (which provided false information regarding Iraq’s WMD Program).⁸⁸²



Beginning November 30, 2005, and continuing through the date of this report, President Bush has given a series of speeches outlining the plan to win the Iraq War. The speeches included several falsehoods and half truths. For example, Mr. Bush claimed Iraqi troops control major areas of Iraq, but this is true only if you include militias with no particular loyalty to the Iraqi government.⁸⁸³ Mr. Bush also trumpeted the lead role of Iraqi battalions in fighting the insurgents, highlighting the claim that in Tal Afar “the assault was primarily led by Iraqi security forces – 11 Iraqi battalions

backed by 5 coalition battalions providing support.” In reality, as *Times*’ Michael Ware, who was embedded with U.S. troops during the battle explained, “I was with Iraqi units right there on the front line as they were battling with Al Qaeda. They were not leading.”⁸⁸⁴ Even the president’s claim that the so-called “National Strategy for Victory in Iraq” that he released as a supposedly “declassified” version of the Administration’s plan to win the war since its inception in 2003 proved false. In reality, as *The New York Times* found, the electronic version of the document was prepared by Peter Feaver, a Duke public opinion expert who has only been advising the National Security Council since June of 2005.⁸⁸⁵

Cost of the War and Occupation

The Bush Administration is also guilty of severely underestimating the costs of the war and occupation, in terms of lives expenditures, and in its impact on our armed forces. For example, in December 2002, administration officials estimated the cost of the war to be in the range of \$50 to \$60 billion.⁸⁸⁶ In fact, in 2003, Deputy Defense Secretary Paul D. Wolfowitz said Iraq’s oil revenues “could bring between \$50 and \$100 billion over the course of the next two or three years . . . [w]e’re dealing with a country that can really finance its own reconstruction, and relatively soon,” he told a House committee.⁸⁸⁷

In terms of financial costs, the reality goes well beyond the more than \$277 billion already appropriated for the war.⁸⁸⁸ When taking into account weapon replacement costs, veterans’ benefits and deficit financing, one budget expert pegged the costs as \$1 trillion.⁸⁸⁹ Basic running costs of the current conflicts are \$6 billion a month. Factors keeping costs high include almost exclusive reliance on expensive private contractors, costs for military personnel serving second and third deployments, extra pay for reservists and members of the National Guard, as well as more than \$2 billion a year in additional foreign aid to reward cooperation in Iraq. The bill for repairing and replacing military hardware is \$20 billion a year, according to figures from the Congressional Budget Office.⁸⁹⁰ But the biggest long-term costs are disability and health payments for returning troops, which will be incurred even if



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hostilities were to stop tomorrow, these payments are likely to run at \$7 billion a year for the next 45 years.⁸⁹¹

Ongoing Deceptions Regarding Weapons of Mass Destruction and the Decision to Go to War

The Bush Administration has also disseminated a series of confusing if not outright deceptive statements concerning why the nation went to war and the status of Iraq's weapons of mass destruction.

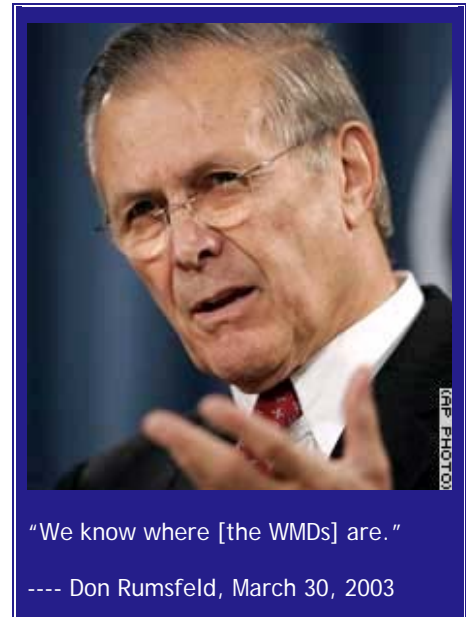
For example, on June 15, 2005, when asked about the veracity of the July 23, 2002 Downing Street Minutes, President Bush argued, "Nothing could be farther from the truth . . . Both of us didn't want to use our military. Nobody wants to commit military into combat. It's the last option."⁸⁹²

As noted above, the President has refused to respond to a letter from Representative Conyers and 121 other Members of Congress, and more than 500,000 Americans, asking him to respond to the charges inherent in the Downing Street Minutes.⁸⁹³

The Bush Administration also stubbornly insisted that there were weapons of mass destruction even though none were found in Iraq. On May 29, 2003, President Bush declared that "we found the weapons of mass destruction,"⁸⁹⁴ and on July 17, 2003, he repeated, "[w]e ended the threat from Saddam Hussein's weapons of mass destruction."⁸⁹⁵ Similar misstatements were made by Secretary Powell, Secretary Rumsfeld and Vice President Cheney. For example, on March 30, 2003, just days after the invasion, Secretary Rumsfeld appeared on an *ABC News* segment and stated, "We know where [the WMDs] are."⁸⁹⁶

The truth of course is that no weapons of mass destruction have been found. The Iraq Survey Group has concluded that it was unlikely that chemical or biological stockpiles existed prior to the war. As Dr. David Kay testified: "I'm personally convinced that there were not large stockpiles of newly produced weapons of mass destruction. We don't find the people, the documents or the physical plants that you would expect to find if the production was going on."⁸⁹⁷

The Bush Administration also untruthfully claimed that there was no disagreement as to whether Iraq was attempting to reconstitute its nuclear weapons program or whether the President should include that claim in his 2003 State of the Union. For instance, on July 13, 2003, Dr. Rice stated "[H]ad there been even a peep that [the CIA] did not want that sentence in or that George Tenet did not



want that sentence in, that the Director of Central Intelligence did not want it in, it would have been gone.”⁸⁹⁸ The CIA, however, sent two memoranda to the National Security Council, then headed by Dr. Rice, that warned the claim was specious.⁸⁹⁹ Also, the State Department’s Bureau of Intelligence and Research noted in the October 2002 National Intelligence Estimate that the claim was “highly dubious.”⁹⁰⁰

The Bush Administration also sought to convince the American public that its rationale for war was the existence of weapons of mass destruction “programs,” despite the fact that before the war the Administration was claiming the justification was – links to the September 11 attacks and weapons of mass destruction. Thus, after he could no longer credibly assert that weapons of mass destruction were in Iraq, he claimed that had “we failed to act, the dictator’s weapons of mass destruction programs would continue to this day.”⁹⁰¹ Dick Cheney, in interviews with *USA Today* and the *Los Angeles Times*, perpetuated this bait and switch tactic – last year “weapons,” this year “programs” – observing that “the jury’s still out” on whether Iraq had WMD and that “I am a long way at this stage from concluding that somehow there was some fundamental flaw in our intelligence.”⁹⁰²



“I am a long way at this stage from concluding that somehow there was some fundamental flaw in our intelligence.”

The Bush Administration later sought to drop the weapons of mass destruction rationale entirely and substitute entirely new justifications. As *The Washington Post* summarized, “As the search for weapons in Iraq continues without success, the Bush Administration has moved to emphasize a different rationale for the war against Saddam Hussein: using Iraq as the ‘linchpin’ to transform the Middle East and thereby reduce the terrorist threat to the United States. President Bush, who has stopped talking about Iraq’s weapons, said . . . that ‘the rise of a free and peaceful Iraq is critical to the stability of Middle East, and a stable Middle East is critical to the security of the American people.’”⁹⁰³ Deputy Defense Secretary Wolfowitz, after a trip to Iraq, said flat out, “I’m not concerned about weapons of mass destruction . . . I’m concerned about getting Iraq on its feet. I didn’t come [to Iraq] on a search for weapons of mass destruction.”⁹⁰⁴ On April 13, 2004, the President went so far as arguing that we need to stay in Iraq to ensure that those who have already lost their lives there did not die in vain: “[O]ne of the things that’s very important . . . is to never allow our youngsters to die in vain. And I made that pledge to their parents. Withdrawing from the battlefield of Iraq would be just that. And it’s not going to happen under my watch.”⁹⁰⁵

The Bush Administration’s hurried – and incorrect – claims regarding alleged Iraqi mobile chemical weapons laboratories found in April and early May 2003 is illustrative. At that time, the CIA and DIA issued a report stating that the trailers were for making biological weapons and dismissed claims by senior Iraqi scientists

that the trailers were used to make hydrogen for the weather balloons that were then used in artillery practice.⁹⁰⁶ Although intelligence experts disputed the purpose of these trailers, senior administration officials, including Colin Powell, repeatedly asserted that the trailers were mobile biological weapons laboratories. On May 22, 2003, Secretary Powell said, “So far, we have found the biological weapons vans that I spoke about when I presented the case to the United Nations on the 5th of February, and there is no doubt in our minds now that those vans were designed for only one purpose, and that was to make biological weapons.”⁹⁰⁷

The reality is, in August 2003, *The New York Times* reported that a majority of engineers from the DIA concluded in June that the vehicles were likely used to chemically produce hydrogen for artillery weather balloons, as the Iraqis had claimed.⁹⁰⁸ Their work had not been completed at the time of the CIA/DIA paper.

[A] government official from a different agency said the issue of the trailers had prompted deep divisions within the Defense intelligence Agency. The official said members of the engineering team had been **angry that the agency issued the joint white paper with the CIA before their own work was completed.**⁹⁰⁹

The analysts of other agencies had also come to this conclusion. A former senior intelligence official reported that “only one of 15 intelligence analysts assembled from three agencies to discuss the issue in June endorsed the white paper conclusion.”⁹¹⁰

An official British investigation has also concluded that the trailers were not mobile germ warfare laboratories, but were actually for the production of hydrogen gas.⁹¹¹ The Iraq Survey Group confirmed these accounts, according to Dr. Kay’s January 28, 2004, testimony: “[T]he consensus opinion is that when you look at these two trailers, while [they] had capabilities in many areas, their actual intended use was not for the production of biological weapons.”⁹¹² Dr. Kay also explained that the trailers “were actually designed to produce hydrogen for weather balloons, or perhaps to produce rocket fuel.”⁹¹³

In their comprehensive investigation concerning chemical weapons claims in Iraq, *The Los Angeles Times* also found that many U.S. and foreign officials believed the Bush Administration’s assertions regarding the two trucks were not well-founded: Bio-weapons experts in the intelligence community were sharply critical.⁹¹⁴ **A former senior official of the State Department’s Bureau of Intelligence and Research called the unclassified report an unprecedented “rush to judgment.”**⁹¹⁵ The DIA then ordered a classified review of the evidence. One of 15 analysts held to the initial finding that the trucks were built for germ warfare.⁹¹⁶ The sole believer was the CIA analyst who helped draft the original White Paper.⁹¹⁷ Hamish Killip, a former British army officer and biological weapons expert, flew to Baghdad in July 2003 as part of the Iraq Survey Group, the CIA-led Iraqi weapons hunt⁹¹⁸. He inspected the truck trailers and was immediately skeptical:



“The equipment was singularly inappropriate” for biological weapons, he said. “We were in hysterics over this. You’d have better luck putting a couple of dust bins on the back of the truck and brewing it in there.”⁹¹⁹ The trucks were built to generate hydrogen, not germs, he said. But the CIA refused to back down. In March 2004, Killip quit, protesting that the CIA was covering up the truth. Rod Barton, an Australian intelligence officer and another bio-weapons expert, also quit over what he said was the CIA’s refusal to admit error.⁹²⁰

The Bush Administration also continues to refuse to accept responsibility for false claims regarding aluminum tubes and links between al Qaeda and Iraq. When *The New York Times* asked officials in the White House about false claims concerning the tubes, they offered two rationalizations: “First, they said they had relied on the repeated assurances of George J. Tenet, then the director of central intelligence, that the tubes were in fact for centrifuges. Second, they noted that the intelligence community, including the Energy Department, largely agreed that Mr. Hussein had revived his nuclear program.”⁹²¹ The irony is that the Administration is now blaming the CIA for these falsehoods even though it was the Administration that pressured the CIA and cherry-picked information to reach these conclusions. Moreover, the claim that the Energy Department countenanced this propaganda is untenable given that experts at the Department had thoroughly rebutted the aluminum tube claims. As one Energy Department advisor, Dr. Houston G. Wood III, stated, “I was really shocked in 2002 when I saw [the centrifuge claim] was still there . . . I thought it had been put to bed.”⁹²²

As for the proposed meeting between Mohammed Atta and Iraqi intelligence, Vice President Cheney refused to acknowledge his misstatements. **In June 2004, he stated that “we just don’t know whether the meeting took place.”**⁹²³ Similarly, when Gloria Borger interviewed the Vice President on CNBC about his earlier claim, Mr. Cheney denied three times that he had ever said it had been **“pretty well confirmed,”**⁹²⁴ even though he had used those precise words on *Meet the Press*, on December 9, 2001.⁹²⁵

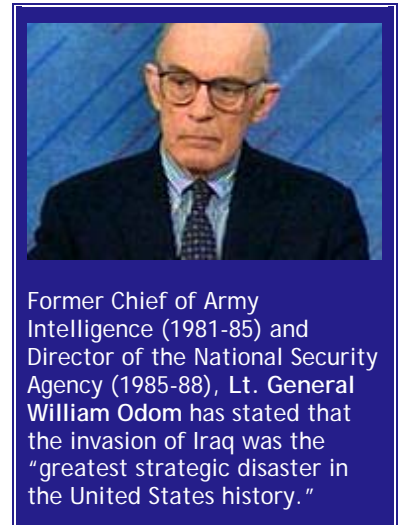
The President has also attempted to assert that notwithstanding the Administration’s unique access to intelligence information, it was not alone in believing Iraq’s weapons of mass destruction somehow justified preemptive war. This argument was proffered as early as February 17, 2004, when the President asserted: “My administration looked at the intelligence information, and we saw a danger. Members of Congress looked at the same intelligence, and they saw a danger. The United Nations Security Council looked at the intelligence, and it saw a danger.”⁹²⁶ And as recently as November 2005, while asserting he had been exonerated by the Robb-Silberman Commission and Senate Intelligence Committee. The President expanded the field of those who had believed Iraq had weapons of mass destruction to include both former President Clinton and foreign governments.⁹²⁷



The truth, however, is that the Administration has access to far greater information than Congress – including the President's daily brief – and Congress is totally reliant on the Administration for intelligence manipulation, much of which cannot be discussed. As for the charges about the Clinton Administration and foreign governments, the information provided to President Clinton regarding Iraq would have been several years out of date; while foreign governments not only had differing information, but this information was completely at odds with what the Bush Administration was saying. As *The New York Times* wrote,

Mr. Clinton looked at the data and concluded that inspections and pressure were working - a view we now know was accurate. France, Russia, and Germany said war was not justified. Even Britain admitted later that there had been no evidence about Iraq, just new politics.⁹²⁸

As for the assertions of exoneration by independent reviews, the Senate Intelligence Committee has not yet conducted a review of pre-war intelligence information, while Judge Silberman wrote as follows when he issued his report: "Our executive order did not direct us to deal with the use of intelligence by policymakers, and all of us were agreed that that was not part of our inquiry."⁹²⁹



Impact of the Iraq War on Terrorism

The Bush Administration has also attempted to convince the American public that the Iraq war has succeeded in bringing about a decline in terrorism. **On October 6, 2005, the President flatly rejected the idea that "extremism" had been "strengthened" by the ongoing U.S. war in Iraq,** taking strong issue with analysts who believe that Iraq has become a "melting pot for jihadists from around the world, a training group and an indoctrination center" for a new generation of terrorists, as the State Department's annual report on terrorism put it this year.⁹³⁰

Again, the reality is far different. As a matter of fact, there have been twice as many terrorist attacks outside Iraq in the three years after the September 11 tragedy than in the three years before.⁹³¹ Roger W. Cressey, formerly a White House counter-terrorism adviser under both President Bush and Clinton, has said, "To say [the] Iraq [war] has not contributed to the rise of global Sunni extremism movement is delusional. We should have an honest discussion about what these unintended consequences of Iraq war are and what do we do to counter them."⁹³² Retired Army General, Lt. General William Odom, has stated, the invasion of Iraq was the "greatest strategic disaster in the United States history," that the war alienated America's Middle East allies, making it harder to prosecute a war against terrorists.⁹³³



⁶⁷⁴Richard W. Stevenson & Eric Lichtblau, *White House Looks to Manage Fallout Over C.I.A. Leak Inquiry*, N.Y. TIMES, Oct. 2, 2003, at A24.

⁶⁷⁵Articulating the magnitude of the matter, Senate Minority Leader, Harry Reid, stated: “This case is bigger than the leak of highly classified information. It is about how the Bush White House manufactured and manipulated intelligence in order to bolster its case for the war in Iraq, and to discredit anyone who dared to challenge the president.” Press Release, Senator Harry Reid (D-NV), Reid Statement on Indictment (Oct. 28, 2005), *available at* <http://reid.senate.gov/record2.cfm?id=247954>.

⁶⁷⁶*United States v. Libby* (D.D.C. Oct. 28, 2005) (hereinafter “Libby Indictment”). Noting the historical significance of Libby’s indictment, *The New York Times* explained: “The chain of events that led to this indictment is not entirely unlike the one that prompted the Nixon White House to try to discredit Daniel Ellsberg, the former Pentagon analyst who provided reporters with the secret government history detailing the growth of American involvement in Vietnam that came to be known as the Pentagon Papers. In that case, as in this, a White House sought to cast doubt on a critic of its foreign policy, only to enmesh itself in far deeper political and legal trouble by trying to hush up its efforts.” Todd S. Purdum, *Shift in Focus for Prosecutor*, N.Y. TIMES, Oct. 29, 2005, at A1.

⁶⁷⁷On May 6, 2003, *The New York Times* published a Nicholas Kristof Op-Ed challenging the veracity of the sixteen words in the President’s State of the Union alleging an Iraq-Niger uranium connection. Nicolas D. Kristof, *Missing in Action: Truth*, N.Y. TIMES, May 6, 2003, at A1; *see also* Libby Indictment ¶ 3. (“The column reported that, following a request from the Vice President’s office for an investigation of allegations that Iraq sought to buy uranium from Niger, an unnamed former ambassador was sent on a trip to Niger in 2002 to investigate the allegations. According to the column the ambassador reported back to the CIA and State Department in early 2002 that the allegations were unequivocally wrong and based on forged documents.”).

⁶⁷⁸On June 12, 2003, *The Washington Post* published an article by Walter Pincus not only challenging the accuracy of the sixteen words, but also indicating that the CIA knew that the Niger story was false. Walter Pincus, *CIA Says It Cabled Key Data To White House*, WASH. POST, June 12, 2003, at A16; *see also* Libby Indictment ¶ 10 (“[The Pincus article] described Wilson as a retired ambassador but not by name, and reported that the CIA had sent him to Niger after an aide to the Vice President raised questions about purported Iraqi efforts to acquire uranium. Pincus’s article questioned the accuracy of the ‘sixteen words,’ and stated that the retired ambassador had reported to the CIA that the uranium purchase story was false.”).

⁶⁷⁹An article in the July 28, 2003 *New Republic* questioned the sixteen words as well as the overall misuse of pre-war intelligence. Editorial, *16 Words*, NEW REPUBLIC, July 28, 2003, at 8; *see also* Libby Indictment ¶ 12 (“The article included a quotation attributed to the unnamed ambassador alleging that administration officials ‘knew the Niger story was a flat-out lie.’ The article also was critical of how the administration, including the Office of the Vice President, portrayed intelligence concerning Iraqi capabilities with regard to weapons of mass destruction, and accused the administration of suppressing dissent from the intelligence agencies on this topic.”).

⁶⁸⁰The run of damaging news for the Bush Administration continued on July 6, 2003, when Ambassador Wilson himself wrote his first-hand accounts as an Op-Ed in *The New York Times*. The *Washington Post* published an article based on an interview with Mr. Wilson, and Mr. Wilson appeared on *Meet the Press*. *See* Libby Indictment ¶ 15 (“In his Op-Ed article and interviews in print and on television, Wilson asserted, among other things, that he had taken a trip to Niger at the request of the CIA in February 2002 to investigate allegations that Iraq had sought or obtained uranium yellowcake from Niger, and that he doubted Iraq had obtained uranium from Niger recently, for a number of reasons. Wilson



stated that he believed, based on his understanding of government procedures, that the Office of the Vice President was advised of the results of his trip.”). The press deluge continued into the next week, as media inquiries were coming in from Matthew Cooper of *Time*, among others. *Id.* ¶¶ 22-24.

⁶⁸¹David Johnston & Richard W. Stevenson, *Prosecutor Narrows Focus in Leak Case*, N.Y. TIMES, Nov. 4, 2005, at A25 (emphasis added).

⁶⁸²Peter Wallsten & Tom Hamburger, *Bush Critic Became Target of Libby, Former Aides Say*, L.A. TIMES, Oct. 21, 2005 at A1.

⁶⁸³*Id.*

⁶⁸⁴Libby Indictment ¶¶ 4-6:

On or about May 29, 2003, in the White House, Libby asked an Under Secretary of State (‘Under Secretary’) for information concerning the unnamed ambassador’s travel to Niger to investigate claims about Iraqi efforts to acquire uranium yellowcake. The Under Secretary thereafter directed the State Department’s Bureau of Intelligence and Research to prepare a report concerning the ambassador and his trip. The Under Secretary provided Libby with interim oral reports in late May and early June 2003, and advised Libby that Wilson was the former ambassador who took the trip.

On or about June 9, 2003, a number of classified documents from the CIA were faxed to the Office of the Vice President to the personal attention of Libby and another person in the Office of the Vice President. The faxed documents, which were marked as classified, discussed, among other things, Wilson and his trip to Niger, but did not mention Wilson by name. After receiving these documents, Libby and one or more other persons in the Office of the Vice President handwrote the names “Wilson” and “Joe Wilson” on the documents.

On or about June 11 and 12, 2003, the Under Secretary of State orally advised Libby in the White House that, in sum and substance, Wilson’s wife worked at the CIA and that State Department personnel were saying that Wilson’s wife was involved in the planning of his trip.

⁶⁸⁵See Larisa Alexandrovna & Jason Leopold, *Bolton’s Chief of Staff Gave Information on Outed Agent to Libby, Lawyers Involved in Leak Case Say*, RAWSTORY (Nov. 2, 2005), available at http://rawstory.com/news/2005/Lawyers_involved_in_leak_case_say_1102.html (“[Attorneys involved in the investigation] said that two former Libby aides, John Hannah and David Wurmser, told the special prosecutor that Libby had actually first contacted Bolton to dig up the information.”).

⁶⁸⁶Libby Indictment ¶ 7 (“On or about June 11, 2003, Libby spoke with a senior officer of the CIA to ask about the origin and circumstances of Wilson’s trip, and was advised by the CIA officer that Wilson’s wife worked at the CIA and was believed to be responsible for sending Wilson on the trip.”).

⁶⁸⁷*Id.* ¶ 9 (“On or about June 12, 2003, Libby was advised by the Vice President of the United States that Wilson’s wife worked at the Central Intelligence Agency in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA.”).

⁶⁸⁸See David Corn, *After the Libby Indictment*, THE NATION, Nov. 2, 2005.

⁶⁸⁹Libby Indictment ¶ 11 (“On or about June 14, 2003, Libby met with a CIA briefer. During their conversation he expressed displeasure that CIA officials were making comments to reporters critical of the Vice President’s office, and discussed with the briefer, among other things, ‘Joe Wilson’ and his wife ‘Valerie Wilson,’ in the context of Wilson’s trip to Niger.”).



⁶⁹⁰*Id.* ¶ 18 (“Also on or about July 8, 2003, Libby met with the Counsel to the Vice President in an anteroom outside the Vice President’s Office. During their brief conversation, Libby asked the Counsel to the Vice President, in sum and substance, what paperwork there would be at the CIA if an employee’s spouse undertook an overseas trip.”).

⁶⁹¹*Id.* ¶ 19 (“Not earlier than June 2003, but on or before July 8, 2003, the Assistant to the Vice President for Public Affairs learned from another government official that Wilson’s wife worked at the CIA, and advised Libby of this information.”).

⁶⁹²The Libby Indictment establishes that the Vice President advised Libby that Mrs. Wilson worked at the CIA’s Counterproliferation Division on June 12, 2003, and that Mr. Cheney obtained this information from the CIA. Libby Indictment ¶ 9 (“On or about June 12, 2003, Libby was advised by the Vice President of the United States that Wilson’s wife worked at the Central Intelligence Agency in the Counterproliferation Division. Libby understood that the Vice President had learned this information from the CIA.”). The CIA source is believed to have been Director George Tenet. See Tom Hamburger & Peter Wallsten, *Cheney Said to Have Told Aide of Plame*, L.A. TIMES, Oct. 25, 2003, at A13.

⁶⁹³It has been widely reported that on June 12, 2003, the State Department sent Powell a classified memorandum written a month earlier identifying Wilson’s wife as a CIA employee and saying it was believed she recommended Wilson for the Niger mission. Powell was traveling with Bush to Africa, and sources said the memorandum was widely circulated among officials with appropriate clearances aboard Air Force One. See Barton Gellman, *A Leak, Then a Deluge*, WASH. POST, Oct. 30, 2005, at A1.

⁶⁹⁴It is now clear that Karl Rove learned about Wilson’s wife being employed at the CIA either from Mr. Libby or other sources within the Administration. Libby Indictment ¶ 21 (“On or about July 10 or July 11, 2003, Libby spoke to a senior official in the White House (‘Official A’) who advised Libby of a conversation Official A had earlier that week with columnist Robert Novak in which Wilson’s wife was discussed as a CIA employee involved in Wilson’s trip. Libby was advised by Official A that Novak would be writing a story about Wilson’s wife.”). This is because it has been confirmed that the “Official A” referred to in the indictment document is Karl Rove. See Pete Yost, *Mysterious ‘Official A’ is Karl Rove*, EDITOR & PUBLISHER, Oct. 28, 2005, available at http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1001392393 (“Friday’s indictment says ‘Official A’ is a ‘senior official in the White House who advised Libby on July 10 or 11 of 2003’ about a chat with Novak about his upcoming column in which Plame would be identified as a CIA employee. Late Friday, three people close to the investigation, each asking to remain unidentified because of grand jury secrecy, identified Rove as Official A.”).

⁶⁹⁵Libby Indictment ¶ 13 (“Shortly after publication of the article in *The New Republic*, Libby spoke by telephone with his then Principal Deputy and discussed the article.”).

⁶⁹⁶Pete Yost, *Mysterious ‘Official A’ is Karl Rove*, EDITOR & PUBLISHER, Oct. 28, 2005, available at http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1001392393 (“Friday’s indictment says ‘Official A’ is a ‘senior official in the White House who advised Libby on July 10 or 11 of 2003’ about a chat with Novak about his upcoming column in which Plame would be identified as a CIA employee. Late Friday, three people close to the investigation, each asking to remain unidentified because of grand jury secrecy, identified Rove as Official A.”).

⁶⁹⁷Libby Indictment ¶ 16 (“On or about July 7, 2003, Libby had lunch with the then White House Press Secretary and advised the Press Secretary that Wilson’s wife worked at the CIA and noted that such information was not widely known.”).

⁶⁹⁸Richard Keil & William Roberts, *Prosecutors Probe Centers on Rove, Memo, Phone Calls*, BLOOMBERG NEWS, July 18, 2005; Tom Hamburger & Sonni Efron, *Memo May Hold Key to CIA Leak*, L.A. TIMES, July



17, 2005, at A22.

⁶⁹⁹Libby Indictment ¶ 22 (“On or about July 12, 2003, Libby flew with the Vice President and others to and from Norfolk, Virginia, on Air Force Two. On his return trip, Libby discussed with other officials aboard the plane what Libby should say in response to certain pending media inquiries, including questions from *Time* reporter Matthew Cooper.”).

⁷⁰⁰On or about June 9, 2003, a number of classified documents from the CIA were faxed to the Office of the Vice President to the personal attention of Libby and another person in the Office. The faxed documents were marked as classified. *Id.* ¶ 5. Libby’s principal Deputy asked Libby whether information about Mr. Wilson’s trip could be shared with the press to rebut the allegations that the Vice President had sent Mr. Wilson to Niger. Mr. Libby responded that there would be complications at the CIA in disclosing that information publicly, and that he could not discuss the matter on a non-secure telephone line. *Id.* ¶ 13. On or about July 7, 2003, Libby had lunch with the then-White House Press Secretary and advised the Press Secretary that Wilson’s wife worked at the CIA and noted that such information was not widely known. *Id.* ¶ 16. On or about the morning of July 8, 2003, Libby met with *New York Times* reporter Judith Miller. When the conversation turned to the subject of Joseph Wilson, Libby asked that the information he provided on the topic of Wilson be attributed to a “former Hill staffer” rather than to a “senior administration official,” as had been the understanding with respect to other information that Libby provided to Miller during this meeting. *Id.* ¶ 17.

⁷⁰¹Jim VandeHei & Carol D. Leonning, *Woodward Was Told of Plame More Than Two Years Ago*, WASH. POST, Nov. 16, 2005, at A1.

⁷⁰²Libby Indictment ¶ 14.

⁷⁰³*Id.* ¶ 17.

⁷⁰⁴*Id.* ¶ 21; see also Pete Yost, *Mysterious ‘Official A’ is Karl Rove*, EDITOR & PUBLISHER, Oct. 28, 2005, available at http://www.editorandpublisher.com/eandp/news/article_display.jsp?vnu_content_id=1001392393.

⁷⁰⁵Michael Isikoff, *Matt Cooper’s Source*, NEWSWEEK, July 18, 2005, available at <http://msnbc.msn.com/id/8525978/site/newsweek/page/2/>.

⁷⁰⁶Libby Indictment ¶ 8.

⁷⁰⁷*Id.* ¶ 24.

⁷⁰⁸Walter Pincus, *Anonymous Sources: Their Use in a Time of Prosecutorial Interest*, NEIMAN REPORTS 27 (Summer 2005).

⁷⁰⁹Timothy M. Phelps & Knut Royce, *Columnist Blows CIA Agent’s Cover*, NEWSDAY, July 22, 2003 (emphasis added).

⁷¹⁰Carol D. Leonnig, *Columnist Says Bush Knows Who Leaked Name*, WASH. POST, Dec. 15, 2005, at A07.

⁷¹¹Walter Pincus, *Anonymous Sources: Their Use in a Time of Prosecutorial Interest*, NEIMAN REPORTS 27 (Summer 2005). As *Newsweek* recently explained: “Any reasonable reading of the events covered in the indictment would consider Rove’s behavior “reckless [under the EO].” Evan Thomas & Michael Isikoff, *Secrets and Leaks*, NEWSWEEK, Oct. 13, 2003, at 26 (emphasis added). The fact that he discussed Plame’s identity with reporters more than once constitutes a pattern. In the past, other officials have lost their security clearances for similar disclosures – even without a pattern. Former CIA



director John Deutch and former National Security Adviser Sandy Berger (who got in trouble after leaving office) both lost their clearances when they took classified information home without proper authorization. More recently, officials of the Coast Guard were sanctioned when they warned relatives of a possible terrorist threat against the New York City subways before public disclosure of the threat. *Id.*

⁷¹²Walter Pincus & Mike Allen, *Probe Focuses on Month Before Leak to Reporters*, WASH. POST, Oct. 12, 2003, at A1 (emphasis added).

⁷¹³Richard W. Stevenson & Eric Lichtblau, *White House Looks to Manage Fallout Over CIA Leak Inquiry*, N.Y. TIMES, at Oct. 2, 2003.

⁷¹⁴Evan Thomas and Michael Isikoff, *Secrets and Leaks*, NEWSWEEK, Oct. 13, 2003.

⁷¹⁵Mike Allen & Dana Priest, *Bush Administration is Focus of Inquiry, CIA Agent's Identity Was Leaked to Media*, WASH. POST, Sept. 28, 2003, at A1.

⁷¹⁶*Id.* The Administration's bad animus toward Ambassador Wilson appeared to infect its reliable ally, Robert Novak, who, when asked by a bystander on the street, said "Wilson's an asshole. The CIA sent him. His wife, Valerie [Plame], works for the CIA. She's a weapons of mass destruction specialist. She sent him." JOSEPH WILSON, THE POLITICS OF TRUTH: INSIDE THE LIES THAT LED TO WAR AND BETRAYED MY WIFE'S CIA IDENTITY, at 24 (2004).

⁷¹⁷*National Security Implications of Disclosing the Identity of an Intelligence Operative, Before the Senate Democratic Policy Committee*, 108th Cong. (2003) (statement of Vince Cannistraro) (emphasis added).

⁷¹⁸*National Security Implications of Disclosing the Identity of an Intelligence Operative, Before the Senate Democratic Policy Committee*, 108th Cong. (2003) (statement of James Marcinkowski).

⁷¹⁹Peter Wallsten & Tom Hamburger, *Bush Critic Became Target of Libby, Former Aides Say*, L.A. TIMES, Oct. 21, 2005, available at <http://www.latimes.com/news/nationworld/nation/la-na-libby21oct21,0,6448189,full.story?coll=la-home-headlines>.

⁷²⁰Murray Waas, *Cheney Libby Blocked Papers To Senate Intelligence Panel*, NAT'L JOURNAL, Oct. 27, 2005 (emphasis added), available at <http://nationaljournal.com/about/njweekly/stories/2005/1027nj1.htm>.

⁷²¹In the Libby Indictment, Special Counsel Fitzgerald notes that the outing of Ms. Plame could damage national security in a number of respects: "Disclosure of the fact that . . . individuals [such as Valerie Plame] were employed by the CIA had the potential to damage the national security in ways that ranged from preventing the future use of those individuals in a covert capacity, to compromising intelligence-gathering methods and operations, and endangering the safety of CIA employees and those who dealt with them." Libby Indictment ¶ 1d.

⁷²²Special Counsel Patrick Fitzgerald, Press Conference (Oct. 28, 2005) (emphasis added).

⁷²³Dafna Linzer, *CIA Checks its Exposure in Plame Case*, WASH. POST, Oct. 29, 2005.

⁷²⁴On January 12, Victoria Toensing and Bruce W. Sanford published an Op-Ed:

Since Plame had been living in Washington for some time when the July 2003 column was published,



and was working at a desk job in Langley (a no-no for a person with a need for cover), there is a serious legal question as to whether she qualifies as “covert.”

Victoria Toensing & Bruce W. Sanford, Op-Ed, *The Plame Game: Was this a Crime?*, WASH. POST, Jan. 12, 2005, at A21. Victoria Toensing was quoted in a news story as saying, “[Wilson] had a desk job in Langley. . . . When you want someone in deep cover, they don’t go back and forth to Langley.” Richard W. Stevenson, *At White House, A Day of Silence on Role of Rove*, N.Y. TIMES, July 12, 2005, at A1. She also appeared on radio and television news and restated these talking points. See *All Things Considered* (NPR radio broadcast July 11, 2005). Conservative talk show host Michael Medved echoed Toensing’s remarks: “Mrs. Plame, Mrs. Wilson, had a desk job at Langley. She went back and forth every single day. It was well known in Washington parlance.” *Larry King Live* (CNN television broadcast July 12, 2005).

On July 15, Republican officials renewed their questions about Wilson’s cover. Senator Pat Roberts (R-KS), the Republican Chairman of the U.S. Senate’s Select Committee on Intelligence, was shown on the Fox News Channel questioning Wilson’s cover. Mr. Roberts argued that “[t]he mere fact that one works for the CIA is not in and of itself classified.” *Fox Special Report with Brit Hume* (Fox News Channel television broadcast July 15, 2005) (video footage of Senate Chairman). Similarly, Republican consultant Tara Setmayer told CNN that “Karl Rove did not break any laws. . . . [Wilson] was at a desk job. No laws have been broken, and Democrats need to get an agenda.” *American Morning* (CNN television broadcast July 15, 2005).

⁷²⁵*Face the Nation* (CBS television broadcast July 17, 2005). In addition, former Republican presidential nominee and former Senate Majority Leader Bob Dole wrote an Op-Ed in *The New York Times*:

[O]ne of the requirements [for a violation of the Intelligence Identities Protection Act] is that the federal government must be taking “affirmative measures” to conceal the agent’s intelligence relationship with the United States. Yet we now know that Ms. Wilson had a desk job at CIA headquarters and could be seen traveling to and from work. The journalist Robert D. Novak, whose July 14, 2003 column mentioned Ms. Wilson, using her maiden name, and set off the investigation, has written that CIA officials confirmed to him over the telephone that she was an employee before he wrote his column.

Bob Dole, Op-Ed, *The Underprivileged Press*, N.Y. TIMES, Aug. 16, 2005, at A15.

⁷²⁶Letter from Larry Johnson, former Analyst, CIA, *et al.*, to the Honorable J. Dennis Hastert, Speaker, U.S. House, *et al.* (July 18, 2005).

⁷²⁷*Id.*

⁷²⁸*National Security Implications of Disclosing the Identity of an Intelligence Operative: Hearing Before the U.S. Senate Democratic Policy Committee*, 109th Cong., 1st Sess. (July 22, 2005). Larry Johnson testified that:

What we’ve seen, particularly over the last two or three weeks, is one of the most malicious, disingenuous smear campaigns, not only of Ambassador Wilson, who can publicly defend himself, but of Valerie Plame his wife, who is still an officer at the Central Intelligence Agency and is unable to speak out publicly, is unable to defend herself and to correct the record.

Id. (statement of Larry Johnson). Another former CIA officer, Jim Marcinkowski, further stated: By ridiculing, for example, the degree of cover or the use of post office boxes, you lessen the confidence that foreign nationals place in our covert capabilities, especially when they’re involved in a community of intelligence collection, they know how these things work. They know how they’re used.



Id. (statement of Jim Marcinkowski).

⁷²⁹Letter from Stanley M. Moskowitz, Director of Congressional Affairs, CIA, to the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee (Jan. 30, 2004).

⁷³⁰Letter from William Moschella, Assistant Attorney General, Department of Justice, to the Honorable John Conyers, Jr., Ranking Member, House Judiciary Committee (Jan. 20, 2004).

⁷³¹*Investigating Leaks*, N.Y. TIMES, Oct. 2, 2003, at A30 (editorial).

⁷³²Richard Stevenson & Eric Lichtblau, *Leaker May Remain Elusive, Bush Suggests*, N.Y. TIMES, Oct. 8, 2003, at A28.

⁷³³Richard Stevenson & Eric Lichtblau, *Attorney General is Closely Linked to Inquiry Figures*, N.Y. TIMES, Oct. 2, 2003, at A1 (emphasis added).

⁷³⁴Murray Waas, *What Now, Karl? Rove and Ashcroft Face New Allegations in the Valerie Plame Affair*, VILLAGE VOICE, Aug. 13, 2005. On October 21, 2003, the Assistant Attorney General for the Criminal Division, Christopher Wray, testified before the Senate Judiciary Committee that he was keeping the Attorney General up-to-date on the investigation. This included identifying the names of individuals being interviewed by the Department and enough detail “for [the Attorney General] to understand meaningfully what is going on in the investigation.” *Criminal Terrorism Investigations and Prosecutions: Hearing before the Senate Judiciary Committee*, 108th Cong. (2003) (statement of Assistant Attorney General Christopher Wray).

⁷³⁵Michael Duffy, *Leaking With a Vengeance*, TIME, Oct. 13, 2003, at 28 (released Oct. 5, 2003).

⁷³⁶See U.S. Dep’t of Justice, Deputy Attorney General Comey Holds Justice Department News Conference (Dec. 30, 2003) (statement of the Deputy Attorney General). The manner in which the Department appointed Fitzgerald, however, led Fitzgerald to believe he was not granted the authority to issue a report at the conclusion of his investigation. See Letter from the Honorable Patrick Fitzgerald, Special Counsel, U.S. Dep’t of Justice, to the Honorable John Conyers, Jr., *et al.* (Oct. 28, 2005). If the Department instead had used its express regulatory authority to appoint Mr. Fitzgerald as special prosecutor, such a report would have been required. 28 C.F.R. § 600.8-.9.

⁷³⁷As *The Washington Post* reported, “[e]ven some White House aides privately wonder whether Libby was seeking to protect Cheney from political embarrassment. One of them noted with resignation, ‘Obviously, the indictment speaks for itself.’” Carol D. Leonnig and Jim VandeHei, *Libby May Have Tried to Mask Cheney’s Role*, WASH. POST, Nov. 13, 2005, at A6.

⁷³⁸See *In re: Special Counsel Investigation*, 374 F. Supp. 2d 238 (D.D.C. 2005). In response to similar concerns expressed by Mr. Fitzgerald about *Time* reporter Matthew Cooper, Karl Rove, the Deputy White House Chief of Staff, granted a personal waiver to Mr. Cooper. In an effort to spur Mr. Libby’s cooperation and the investigation’s progress, four Democratic Members of Congress wrote to Mr. Libby seeking his personal waiver for Ms. Miller. See Letter from the Honorable John Conyers, Jr., *et al.*, to I. Lewis Libby, Chief of Staff, Office of the Vice President (Aug. 8, 2005) (“Your failure to grant such a waiver to Ms. Miller has apparently lead her to refuse to testify about her conversation(s) with you and, in turn, led to her recent incarceration for civil contempt for days”). While Mr. Libby claimed to have provided Ms. Miller with a personal waiver, Ms. Miller denied that had occurred. See Letter from the Honorable I. Lewis Libby, Chief of Staff, Office of the Vice President, to Judith Miller, *New York Times* (Sept. 15, 2005); Judith Miller, *Judith Miller’s Farewell*, N.Y. TIMES, Nov. 10, 2005 (letter to the editor) (“After 85 days, more than twice as long as any other American journalist has ever spent in jail for this



cause, I agreed to testify before the special prosecutor Patrick J. Fitzgerald's grand jury about my conversations with my source, I. Lewis Libby Jr. I did so only after my two conditions were met: first, that Mr. Libby voluntarily relieve me in writing and by phone of my promise to protect our conversations; and second, that the special prosecutor limit his questions only to those germane to the Valerie Plame Wilson case. Contrary to inaccurate reports, these two agreements could not have been reached before I went to jail.”). Furthermore, on September 12, 2005, Mr. Fitzgerald stated quite clearly that he would welcome such a communication reaffirming Mr. Libby's waiver as it might assist the investigation and lead to Ms. Miller's release, lending credence to Ms. Miller's account that there was no personal waiver. See Letter from the Honorable Patrick Fitzgerald, Special Counsel, U.S. Dep't of Justice, to Joseph A. Tate, Dechert LLP (Sept. 12, 2005).

⁷³⁹Special Counsel Patrick Fitzgerald, Press Conference (Oct. 28, 2005). Indeed, it has not gone unnoticed that this delay – from October 2004 to October 2005 – permitted the indictments and disclosure of the Bush Administration's cover-up to be delayed until after President Bush was reelected. As E. J. Dionne wrote in *The Washington Post*:

Has anyone noticed that the coverup worked? . . . Note the significance of the two dates: October 2004, before President Bush was reelected, and October 2005, after the president was reelected. Those dates make clear why Libby threw sand in the eyes of prosecutors, in the special counsel's apt metaphor, and helped drag out the investigation . . . As long as he was claiming that journalists were responsible for spreading around the name and past CIA employment of Wilson's wife, Valerie Plame, Libby knew that at least some news organizations would resist having reporters testify. The journalistic “shield” was converted into a shield for the Bush administration's coverup.

E. J. Dionne, Jr., *What the ‘Shield’ Covered Up*, WASH. POST, Nov. 1, 2005, at A25.

⁷⁴⁰In a press briefing on September 29, 2003, White House Press Secretary Scott McClellan had the following exchange with reporters:

Q. You said this morning, quote, ‘The president knows that Karl Rove wasn't involved.’ How does he know that?

McCLELLAN: Well, I've made it very clear that it was a ridiculous suggestion in the first place . . . I've said that it's not true . . . And I have spoken with Karl Rove.

Q: It doesn't take much for the president to ask a senior official working for him to just lay the question out for a few people and end this controversy today.

McCLELLAN: Do you have specific information to bring to our attention? . . . Are we supposed to chase down every anonymous report in the newspaper? We'd spend all our time doing that.

Q: When you talked to Mr. Rove, did you discuss, ‘Did you ever have this information?’

McCLELLAN: I've made it very clear, he was not involved, that there's no truth to the suggestion that he was.

McCLELLAN: Dana, I mean, think about what you're asking. If you have specific information to bring to our attention –

Q: No, but you say that –

McCLELLAN: – that suggests White House involvement. There are anonymous reports all the time in the media. The President has set high standards, the highest of standards for people in his administration. He's made it very clear to people in his administration that he expects them to adhere



to the highest standards of conduct. If anyone in this administration was involved in it, they would no longer be in this administration.

White House Press Secretary Scott McClellan, Press Briefing (Sept. 29, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/09/20030929-7.html>.

⁷⁴¹White House Press Secretary Scott McClellan, Press Briefing (Oct. 7, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/10/20031007-4.html#2>:

Q. You have said that you personally went to Scooter Libby (Vice President Dick Cheney's chief of staff), Karl Rove and Elliott Abrams (National Security Council official) to ask them if they were the leakers. Is that what happened? Why did you do that? And can you describe the conversations you had with them? What was the question you asked?

McCLELLAN: Unfortunately, in Washington, DC, at a time like this there are a lot of rumors and innuendo. There are unsubstantiated accusations that are made. And that's exactly what happened in the case of these three individuals. They are good individuals. They are important members of our White House team. And that's why I spoke with them, so that I could come back to you and say that they were not involved. I had no doubt with that in the beginning, but I like to check my information to make sure it's accurate before I report back to you, and that's exactly what I did.

⁷⁴²ABC News, *The Note* (Sept. 29, 2003), *available at* http://www.abcnews.go.com/sections/politics/TheNote/TheNote_Sep29.html.

⁷⁴³*Meet the Press* (NBC television broadcast, Sept. 14, 2003); *see also* Richard W. Stevenson & Anne E. Kornblut, *Leak Counsel is Said to Press on Rove's Role*, N.Y. TIMES, Oct. 26, 2005.

⁷⁴⁴Libby Indictment ¶ 9. This, of course also calls into question Mr. McClellan's denial of this misinformation at an October 30, 2005 White House briefing. Asked whether the Vice President always told the truth to the American people, Scott McClellan, the White House press secretary apparently answered, "Yes." Richard W. Stevenson & Anne E. Kornblut, *Leak Counsel is Said to Press on Rove's Role*, N.Y. TIMES, Oct. 26, 2005.

⁷⁴⁵The President, Press Conference (Oct. 28, 2003), *available at* <http://www.whitehouse.gov/news/releases/2003/10/20031028-2.html>.

⁷⁴⁶President George W. Bush, Press Conference of the President After G8 Summit, (June 10, 2004) *available at* <http://www.whitehouse.gov/news/releases/2004/06/20040610-36.html>.

⁷⁴⁷President George W. Bush, President, Prime Minister of India Discuss Freedom and Democracy (July 18, 2005), *available at* <http://www.whitehouse.gov/news/releases/2005/7/20050718-1.html>.

⁷⁴⁸This stands in sharp contrast to when the President offered strong ethical pledges during his first campaign for president, when he said "Americans are tired of investigations and scandal, and the best way to get rid of them is to elect a new president who will bring a new administration, who will restore honor and dignity to the White House." *CNN Today* (CNN television broadcast Sept. 14, 2000) (video clip of then-Governor George W. Bush).

⁷⁴⁹Antonia Zerbisias, *TV Man Is (Shock) Gay, And (Horror) Canadian*, TORONTO STAR, July 19, 2003, at A15.

⁷⁵⁰As columnist Frank Rich so aptly stated, "When the Bush mob attacks critics like Ms. Sheehan, its highest priority is to change the subject. If we talk about Richard Clarke's character, then we stop



talking about the administration's pre-9/11 inattentiveness to terrorism. If Thomas Wilson is trashed as an insubordinate plant of the 'liberal media,' we forget the Pentagon's abysmal failure to give our troops adequate armor (a failure that persists today, eight months after he spoke up). If we focus on Joseph Wilson's wife, we lose the big picture of how the administration twisted intelligence to gin up the threat of Saddam's nonexistent W.M.D.'s." Frank Rich, Op-Ed, *The Swift Boating of Cindy Sheehan*, N.Y. TIMES, Aug. 21, 2005, § 4 at 11; see also Editorial, *Banished Whistle-Blowers*, N.Y. TIMES, Sept. 1, 2005, at A22 ("The Bush Administration is making no secret of its determination to punish whistle-blowers and other federal workers who object to the doctoring of facts that clash with policy and spin.").

⁷⁵¹ Editorial, *Banished Whistle-Blowers*, N.Y. TIMES, Sept. 1, 2005, at A22.

⁷⁵² *Department of Defense Budget Priorities for Fiscal Year 2004: Hearing before the House Budget Comm.*, 108th Cong. 8 (2003) (statement of The Honorable Paul D. Wolfowitz, Deputy Secretary Department of Defense) (emphasis added).

⁷⁵³ *Id.*

⁷⁵⁴ *Id.*

⁷⁵⁵ Eric Schmitt, *Pentagon Contradicts on Iraq Occupation Force's Size*, N.Y. TIMES, Feb. 27, 2003, at A1.

⁷⁵⁶ *Id.*

⁷⁵⁷ Matthew Engel, *Scorned General's Tactics Proved Right*, THE GUARDIAN, Mar. 29, 2003, at 10.

⁷⁵⁸ Eric Schmitt, *Pentagon Contradicts on Iraq Occupation Force's Size*, N.Y. TIMES, Feb. 27, 2003, at A1.

⁷⁵⁹ U.S. Army Posture and Acquisition Programs: Hearing Before the Defense Subcomm. of the House Appropriations Comm. 108th Cong. (2003) (statement of Gen. Eric K. Shinseki).

⁷⁶⁰ Warren P. Strobel and John Walcott, *Post-War Planning Non-Existent*, KNIGHT-RIDDER, Oct. 17, 2004. See also Glenn Kessler and Ceci Connolly, *Plenty of Flaws Among the Facts; Candidates Made Questionable Claims*, WASH. POST, Oct. 9, 2004, at A20.

⁷⁶¹ James Fallows, *Bush's Lost Year*, ATLANTIC MONTHLY, Oct. 1, 2004, at 68.

⁷⁶² Bob Herbert, Op-Ed, *No End in Sight*, N.Y. TIMES, Apr. 2, 2004, at A19.

⁷⁶³ Basu Rekha, *Retaliation Against War Critics*, DES MOINES REGISTER, July 13, 2005, at 11A.

⁷⁶⁴ See Tom Bowman, *Unceremonious End to Army Career: Outspoken General Fights Demotion*, BALTIMORE SUN, May 29, 2005, at 1A.

⁷⁶⁵ *Id.*

⁷⁶⁶ *Id.*

⁷⁶⁷ *Id.*



⁷⁶⁸Frank Rich, Op-Ed, *The Swift Boating of Cindy Sheehan*, N.Y. TIMES, Aug. 21, 2005, § 4 at 11.

⁷⁶⁹See *60 Minutes* (CBS television broadcast, Jan. 11, 2004), available at <http://www.cbsnews.com/stories/2004/01/09/60minutes/main592330.shtml> (“[N]ine days after that meeting in which O’Neill made it clear he could not publicly support another tax cut, the vice president called and asked him to resign”).

⁷⁷⁰*Id.*

⁷⁷¹*Id.*

⁷⁷²*Id.*

⁷⁷³Thom Shanker, *Rumsfeld Says He Contacted Ex-Official on Bush Book*, N.Y. TIMES, Jan. 14, 2004, at A13.

⁷⁷⁴INVESTIGATION REGARDING RELEASE OF DOCUMENTS TO PAUL H. O’NEILL - FORMER TREASURY SECRETARY, U.S. DEPARTMENT OF TREASURY, OFFICE OF THE INSPECTOR GENERAL, Mar. 17, 2004.

⁷⁷⁵Paul Krugman, Op-Ed, *The Awful Truth*, N.Y. TIMES, Jan. 13, 2004, at A25.

⁷⁷⁶INVESTIGATION REGARDING RELEASE OF DOCUMENTS TO PAUL H. O’NEILL - FORMER TREASURY SECRETARY, U.S. DEPARTMENT OF TREASURY, OFFICE OF THE INSPECTOR GENERAL, Mar. 17, 2004.

⁷⁷⁷*Id.*

⁷⁷⁸Paul Krugman, Op-Ed, *The Awful Truth*, N.Y. TIMES, Jan. 13, 2004, at A25.

⁷⁷⁹Sidney Blumenthal, *He Cannot Tell a Lie*, SALON, Jan. 15, 2004, available at http://archive.salon.com/opinion/blumenthal/2004/01/15/o_neill/index_np.html?x.

⁷⁸⁰*O’Neill: Bush Planned Iraq Invasion Before 9/11*, CNN.COM, Jan. 10, 2004.

⁷⁸¹*Id.*

⁷⁸²Edmund L. Andrews, *Upheaval in the Treasury: Bush, In Shake-Up of Cabinet, Ousts Treasury Leader*, N.Y. TIMES, Dec. 7, 2002, at A1.

⁷⁸³The Congressional Research Service, after looking at actual money spent and appropriated for Fiscal Year 2006, estimates the cost of the Iraq war at \$ 251 Billion. Amy Belasco, *THE COST OF IRAQ, AFGHANISTAN AND ENHANCED BASE SECURITY SINCE 9/11*, CONGRESSIONAL RESEARCH SERVICE, Oct. 7, 2005.

⁷⁸⁴Frank Rich, Op-Ed, *Bring Back Warren Harding*, N.Y. TIMES, Sep. 25, 2005.

⁷⁸⁵Corbett B. Daly, *Ex-Bush Aide: Iraq War Planning Began After 9/11*, CNN.COM, May 20, 2004.

⁷⁸⁶*60 Minutes* (CBS television broadcast, Mar. 21, 2004), available at <http://www.cbsnews.com/stories/2004/03/19/60minutes/main607356.shtml>.

⁷⁸⁷*Id.*

⁷⁸⁸*Id.*



⁷⁸⁹Judith Miller, *Former Terrorism Official Faults White House on 9/11*, N.Y. TIMES, Mar. 22, 2004, at A18.

⁷⁹⁰Press Secretary Scott McClellan, White House Press Briefing (Mar. 22, 2004), *available at* <http://www.whitehouse.gov/news/releases/2004/03/20040322-4.html>.

⁷⁹¹*Good Morning America* (ABC television broadcast, Mar. 22, 2004).

⁷⁹²Interview with Vice President Dick Cheney, *The Rush Limbaugh Show* (Mar. 22, 2004), *available at* http://www.rushlimbaugh.com/home/daily/site__032204/content/stack_a.guest.html.

⁷⁹³150 CONG. REC. S3209 (daily ed. Mar. 26, 2004) (statement of Sen. Frist).

⁷⁹⁴Joe Conason, *Richard Clarke Terrorizes the White House*, SALON, Mar. 24, 2004 (emphasis added), *available at* <http://archive.salon.com/news/feature/2004/03/24/clarke/print.html>.

⁷⁹⁵Sidney Blumenthal, *Bush's War – Against Richard Clarke*, Salon.com, Mar. 25, 2004, *available at* <http://archive.salon.com/opinion/blumenthal/2004/03/25/clarke/print.html>.

⁷⁹⁶Ryan Lizza, *Logic Jam*, THE NEW REPUBLIC ONLINE, Mar. 24, 2004, *available at* <http://www.tnr.com/doc.mhtml?i=express&s=lizza032304>.

⁷⁹⁷In addition, on August 10, 2005, Congressman Conyers and 41 other members of Congress signed a letter to President Bush asking him to meet with Ms. Sheehan. See Letter from Congressman John Conyers, Jr., Ranking Member, House Committee on the Judiciary, *et al.*, to President George W. Bush (Aug. 10, 2005), *available at* http://www.house.gov/judiciary_democrats/letters/presssheehanltr81005.pdf.

⁷⁹⁸Bush's decision not to meet with Sheehan is a perfect example of what Maureen Dowd describes as Bush's life in "meta-insulation. His rigidly controlled environment allows no chance encounters with anyone who disagrees. He never has to defend himself to anyone, and that is cognitively injurious." Maureen Dowd, Op-Ed, *Why No Tea and Sympathy?*, N.Y. TIMES, Aug. 10, 2005, at A21.

⁷⁹⁹*Id.*

⁸⁰⁰Frank Rich, Op-Ed, *The Swift Boating of Cindy Sheehan*, N.Y. TIMES, Aug. 21, 2005, § 4 at 11.

⁸⁰¹*Id.*

⁸⁰²Elisabeth Bumiller, *For 3rd Day in a Row, Bush Says Withdrawal Now From Iraq Would Embolden Terrorists*, N.Y. TIMES, Aug. 25, 2005, at A10.

⁸⁰³Ahmed Amr, *Counteroffensive: Bush Launches 'Operation Cindy Sheehan'*, PALESTINE CHRONICLE, Aug. 28, 2005 (emphasis added), *available at* www.globalresearch.ca/index.php?context=viewArticle&code=AMR20050828&articleId=875.

⁸⁰⁴Frank Rich, Op-Ed, *Eight Days in July*, N.Y. TIMES, July 24, 2005, § 4 at 13.

⁸⁰⁵Antonia Zerbisias, *TV Man Is (Shock) Gay, And (Horror) Canadian*, TORONTO STAR, July 19, 2003, at A15.

⁸⁰⁶*Id.*



⁸⁰⁷*Id.*

⁸⁰⁸See Lloyd Grove, *The Reliable Source*, WASH. POST, July 18, 2003, at C3; see also Editorial, *Matt Drudge, a Gay Who Backs the Gay Bashers, Part II*, BUZZFLASH.COM, July 15, 2004, available at www.buzzflash.com/editorial/04/07/edi04051.html.

⁸⁰⁹Lloyd Grove, *The Reliable Source*, WASH. POST, July 18, 2003, at C3 (emphasis added).

⁸¹⁰Antonia Zerbisias, *TV Man Is (Shock) Gay, And (Horror) Canadian*, TORONTO STAR, July 19, 2003, at A15 (emphasis added).

⁸¹¹See Frank Rich, Op-Ed, *Eight Days in July*, N.Y. TIMES July 24, 2005, § 4 at 13.

⁸¹²See George Monbiot, *Chemical Coup D'Etat: The US Wants to Depose the Diplomat Who Could Take Away Its Pretext for War With Iraq*, THE GUARDIAN, Apr. 16, 2002, available at <http://www.guardian.co.uk/Archive/Article/0,4273,4394862,00.html>.

⁸¹³Charles J. Hanley, *Bolton Said to Orchestrate Unlawful Firing*, ASSOCIATED PRESS, June 5, 2005, available at <http://www.commondreams.org/headlines05/0605-05.htm>.

⁸¹⁴See AP Probe on Bolton Finds Disturbing Links to Iraq War, ASSOCIATED PRESS, June 4, 2005, available at http://www.mediainfo.com/eandp/news/article_display.jsp?vnu_content_id=1000946569.

⁸¹⁵*Id.*

⁸¹⁶*Id.*

⁸¹⁷Charles J. Hanley, *Bolton Said to Orchestrate Unlawful Firing*, ASSOCIATED PRESS, June 5, 2005 (emphasis added).

⁸¹⁸AP Probe on Bolton Finds Disturbing Links to Iraq War, ASSOCIATED PRESS, June 4, 2005 (emphasis added), available at http://www.mediainfo.com/eandp/news/article_display.jsp?vnu_content_id=1000946569.

⁸¹⁹George Monbiot, *Chemical Coup D'Etat: The US Wants to Depose the Diplomat Who Could Take Away Its Pretext for War With Iraq*, THE GUARDIAN, Apr. 16, 2002 (emphasis added), available at <http://www.guardian.co.uk/Archive/Article/0,4273,4394862,00.html>.

⁸²⁰AP Probe on Bolton Finds Disturbing Links to Iraq War, ASSOCIATED PRESS, June 4, 2005, available at http://www.mediainfo.com/eandp/news/article_display.jsp?vnu_content_id=1000946569.

⁸²¹*Id.*

⁸²²*Id.*

⁸²³Interview with Vice President Dick Cheney, *Meet the Press* (NBC television broadcast, March 16, 2003), available at <http://msnbc.msn.com/id/3080244/>.

⁸²⁴Dafna Linzer, *Nuclear Arms Inspectors Get Peace Prize*, WASH. POST, Oct. 8, 2005, at A1.

⁸²⁵Craig S. Smith, *Atomic Agency and Chief Win the Peace Prize*, N.Y. TIMES, Oct. 8, 2005, at A1 (emphasis added).



⁸²⁶Craig S. Smith, *Atomic Agency and Chief Win the Peace Prize*, N.Y. TIMES, Oct. 8, 2005 at A1 (emphasis added).

⁸²⁷*Id.*

⁸²⁸Erik Eckholm, *A Top U.S. Contracting Official for the Army Calls for an Inquiry in the Halliburton Case*, N.Y. TIMES, Oct. 25, 2004, at A13.

⁸²⁹*Id.*

⁸³⁰*An Oversight Hearing on Waste, Fraud, and Abuse in U.S. Government Contracting in Iraq Before the Senate Democratic Policy Comm.*, 109th Cong. (2005) (statement of Bunnatine Greenhouse), available at <http://democrats.senate.gov/dpc/hearings/hearing22/transcript.pdf>.

⁸³¹*Id.*

⁸³²*Id.*

⁸³³Erik Eckholm, *Army Contract Official Critical of Halliburton Pact Is Demoted*, N.Y. TIMES, Aug. 29, 2005, at A9.

⁸³⁴Frank Rich, Op-Ed, *Bring Back Warren Harding*, N.Y. TIMES, Sept. 25, 2005, § 4, at 11.

⁸³⁵Christian Miller, *Democrats Demand Probe of Demotion*, LOS ANGELES TIMES, Aug. 30, 2005, at A8.

⁸³⁶Mark Danner, *The Secret Way to War*, 2 N.Y. REV. OF BOOKS 10, June 9, 2005.

⁸³⁷Seymour M. Hersh, *The Stovepipe*, THE NEW YORKER, Oct. 27, 2003, at 77.

⁸³⁸E.J. Dionne Jr., Op-Ed, *What the 'Shield' Covered Up*, WASH. POST, Nov. 1, 2005, at A25 (emphasis added).

⁸³⁹The Administration's efforts to pressure the CIA to manipulate the intelligence is discussed in more detail in Section III(B): Misstating and Manipulating the Intelligence to Justify Pre-emptive War.

⁸⁴⁰*Id.*

⁸⁴¹*Id.*

⁸⁴²*Id.*

⁸⁴³See Seymour M. Hersh, *The Coming Wars*, THE NEW YORKER, January 24, 2005, at 40.

⁸⁴⁴*Id.*

⁸⁴⁵The Administration's efforts to retaliate against CIA officials seeking to set the record straight on the Iraqi defector known as "Curveball" is discussed in greater detail in Section III(B)(5): Misstating and Manipulating the Intelligence to Justify Pre-emptive War: Chemical and Biological Weapons. (Emphasis added).

⁸⁴⁶Bob Drogin and John Goetz, *How U.S. Fell Under the Spell of 'Curveball'*, L.A. TIMES, Nov. 20, 2005, at A1 (emphasis added).



⁸⁴⁷ *Id.*

⁸⁴⁸ *Id.* (emphasis added).

⁸⁴⁹ James Risen, *Spy's Notes on Iraqi Aims Were Shelved, Suit Says*, N.Y. TIMES, Aug. 1, 2005, at A8.

⁸⁵⁰ *Id.*

⁸⁵¹ *See id.*

⁸⁵² *See id.*

⁸⁵³ Robert Parry, *Why U.S. Intelligence Failed*, CONSORTIUMNEWS.COM, Oct. 22, 2003, *available at* <http://www.consortiumnews.com/2003/102203.html>. According to Robert Parry:

As the Iraqi death toll mounts and the price tag for the U.S. occupation grows, a similar process of intelligence manipulation is now being applied to the so-called 'reconstruction' phase. Bush and his surrogates are picking and choosing the evidence that is designed to sell the public on the notion that 'Operation Iraqi Freedom' is still going great. The administration's misleading rhetoric has switched from exaggerating the danger posed by Saddam Hussein to exaggerating the gains attributable to the invasion. New half-truths and lies are quickly replacing the old ones, lest Americans begin to wonder how they had been misled by the previous bogus rationales.

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⁸⁵⁵ Secretary Donald H. Rumsfeld, Department of Defense News Transcript (June 18, 2003), *available at* <http://www.dod.mil/transcripts/2003/tr20030618-secdef0282.html>.

⁸⁵⁶ *Iraq insurgency in 'last throes' Cheney says*, CNN.COM, June 20, 2005, *available at* <http://www.cnn.com/2005/US/05/30/cheney.iraq/>.

⁸⁵⁷ *Face the Nation: Interview with Secretary Donald H. Rumsfeld* (CBS television broadcast, Mar. 14, 2004).

⁸⁵⁸ President George W. Bush, Press Conference (Oct. 4, 2005), *available at* <http://www.whitehouse.gov/news/releases/2005/10/20051004-1.html>.

⁸⁵⁹ Dave Moniz, *Ex-Army Boss: Pentagon Won't Admit Reality in Iraq*, USA TODAY, June 2, 2003, at 1A.

⁸⁶⁰ *Id.*

⁸⁶¹ *See e.g., 60 Minutes: Interview with General Anthony Zinni*, (CBS television broadcast, May 21, 2004), *available at* <http://www.cbsnews.com/stories/2004/05/21/60minutes/main618896.shtm>.

⁸⁶² Joe Klein, *Saddam's Revenge: The Secret History of U.S. Mistakes, Misjudgments and Intelligence Failures that Let the Dictator and His Allies Launch an Insurgency Now Ripping Iraq Apart*, TIME, Sept. 26, 2005, at 44.

⁸⁶³ *See Testimony on the United States Military Strategy and Operations in Iraq and the Central Command Area: Hearing Before the S. Comm. on Armed Services*, 109th. Cong. (2005) (Testimony of John P. Abizaid, U.S. Army, Commander, U.S. Central Command).



⁸⁶⁴ Eric Schmitt, *Iraqis Not Ready to Fight Rebels on Their Own, U.S. Says*, N.Y. TIMES, July 20, 2005, at A1.

⁸⁶⁵ Frank Rich, Op-Ed, *The Faith-Based President Defrocked*, N.Y. TIMES, Oct. 9, 2005, §4, at 13.

⁸⁶⁶ Frank Rich, Op-Ed, *The Vietnamization of Bush's Vacation*, N.Y. TIMES, Aug. 28, 2005.

⁸⁶⁷ See MINORITY STAFF OF H. COMM. ON GOV'T REFORM, 109TH CONG., THE BUSH ADMINISTRATION RECORD: THE RECONSTRUCTION OF IRAQ (2005), *available at* <http://www.democrats.reform.house.gov/Documents/20051018102134-35570.pdf>.

⁸⁶⁸ *Id.*

⁸⁶⁹ Rick Jervis, *Iraq Rebuilding Slows as U.S. Money for Projects Dries Up*, USA TODAY, Oct. 10, 2005, at 1A (emphasis added).

⁸⁷⁰ Dana Milbank, *Curtains Ordered for Media Coverage of Returning Coffins*, WASH. POST, Oct. 21, 2003, at A23.

⁸⁷¹ Bradley Graham, *Enemy Body Counts Revived: U.S. Is Citing Tolls to Show Success in Iraq*, WASH. POST, Oct 24, 2005, at A1.

⁸⁷² According to the Village Voice, "The soldier on the left side of the front row was actually a flack herself, though she didn't reveal it during the regime's 24-minute infomercial. Her name is Corine Lombardo....David Axe, who's made several forays into Iraq for the Voice ... knows Corine Lombardo from having spent time in Tikrit. He tells me: 'Her job when I was with the 42nd Infantry Division included taking reporters to lunch. She lives in a fortified compound in Tikrit and rarely leaves. Many public-affairs types in Iraq never leave their bases, and they're speaking for those who do the fighting and dying.'" *Bush Launches New Flack Attack*, VILLAGE VOICE, Oct. 13, 2005, *available at* <http://www.villagevoice.com/blogs/bushbeat/archive/001948.php>.

⁸⁷³ *CNN Live at Daybreak* (CNN television broadcast, Oct. 14, 2005), *available at* <http://transcripts.cnn.com/TRANSCRIPTS/0510/14/lad.04.html> (emphasis added).

⁸⁷⁴ Mark Mazzetti & Borzou Daragahi, *U.S. Military Covertly Pays to Run Stories in Iraqi Press*, L.A. TIMES, Nov. 30, 2005, at 1.

⁸⁷⁵ Jeff Gerth, *Military's Information War Is Vast and Often Secretive*, N.Y. TIMES, Dec. 11, 2005, at 1.

⁸⁷⁶ Mark Mazzetti & Borzou Daragahi, *U.S. Military Covertly Pays to Run Stories in Iraqi Press*, L.A. TIMES, Nov. 30, 2005, at 1.

⁸⁷⁷ Jeff Gerth, *Military's Information War Is Vast and Often Secretive*, N.Y. TIMES, Dec. 11, 2005, at 1.

⁸⁷⁸ Maureen Dowd, Op-Ed, *W's Head in the Sand*, N.Y. TIMES, Dec. 3, 2005, at A29.

⁸⁷⁹ Jeff Gerth, *Military's Information War Is Vast and Often Secretive*, N.Y. TIMES, Dec. 11, 2005, at 1.

⁸⁸⁰ *Id.*

⁸⁸¹ The Lincoln Group has signed a \$16 million propaganda contract with the Pentagon and disseminated false stories such as the claim that Adnan Ihsan Saeed al-Haidari had helped buy tons of biological, nuclear and chemical weapons described in Section ____ above. James Bamford, *The Man Who Sold the*



War, ROLLING STONE. Nov. 17, 2005, *available at* http://www.rollingstone.com/politics/story/_/id/8798997?rnd=1133991290515&has-player=true&version=6.0.12.1348.

⁸⁸²“The Information Collection Program succeeded in heavily influencing coverage in the Western press in the run-up to the war. A report issued by the Defense Intelligence Agency last fall concluded that almost all the information given to the government through the ICP and its roster of defectors before the war was useless.... [Although] the group’s agreement with the State Department strictly barred the INC from “attempting to influence the policies of the United States government or Congress, or propagandizing the American people.... There is little doubt that influencing public opinion through the American and European media was always central to the INC’s mission (of the 108 stories on Qanbar’s list, fifty appeared in U.S. news outlets.)” Douglas McCollam, *How Chalabi Played the Press*, COLUMBIA JOURNALISM REVIEW, July/August 2004, *available at* www.cjr.org/issues/2004/4/mccollam-list.asp.

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⁸⁸⁴Maureen Dowd, Op-Ed, *W’s Head in the Sand*, N.Y. TIMES, Dec. 3, 2005, at A29.

⁸⁸⁵Scott Shane, *Bush’s Speech On Iraq Echoes Analyst’s Voice*, N.Y. TIMES, Dec. 4, 2005, at 1 (emphasis added).

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⁸⁸⁸See H.R. J. Res. 73, 109th Cong., 1st Sess. (2005).

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⁸⁹¹*Id.*

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